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ADR Dharma: Seeking a Hindu Perspective on Dispute Resolution from the Holy Scriptures of the *Mahabharata* and the *Bhagavad Gita*

Aalok Sikand

INTRODUCTION

On the plains of Hastinapura, India, the great warrior, Arjuna, stands in his chariot awaiting battle. He is blessed to have Lord Krishna, the incarnation of God, to be his charioteer. Arjuna asks Krishna to drive him to the center of the battlefield. When Krishna does so, Arjuna looks all around him, and sees an ocean of soldiers, chariots and armored elephants. As Arjuna looks closer, he sees that his entire family—brothers, cousins, uncles, and grandfathers—will be fighting against each other in this war. Even though Arjuna is one of the world's strongest warriors, he does not want to fight. Why would he want to kill his family members? Could not there be peace? Is not fighting a sin? Hundreds of doubts like these fill Arjuna's heart to the point where he feels overwhelmed. He sits in his chariot, sinks his face in his hands, and sulks. Seeing this, Lord Krishna is disappointed in Arjuna's behavior. Krishna, who is God, has a conversation with Arjuna, in which He tells Arjuna that it is his duty to fight the war and not to be weak-hearted. This conversation is known as the *Bhagavad Gita*, which means, "Song of God." The *Bhagavad Gita* is only a small chapter from the huge epic, The *Mahabharata*, which means, "The Great War."

Since the *Mahabharata* and the *Bhagavad Gita* are both monumental pieces of Hindu literature, this paper seeks to analyze them in order to garner a Hindu perspective on dispute resolution. Accordingly, there will be five parts to this paper: Part I seeks to give an overview of certain Hindu concepts such as dharma, which will make it easier to understand the *Mahabharata* and the *Gita*. Part II will then give a brief summary of the basic plot of the *Mahabharata*. Then, Part III will zoom in on the section of the *Mahabharata* where Lord Krishna attempts to mediate peace between the two sides of the Great War. Part IV will then analyze the *Bhagavad Gita* and

flush out its two concepts of how to first, discover what one's duty is, and second, how to selflessly do one's duty. Next, Part V will give the conclusion that the Hindu perspective of dispute resolution involves two layers: First, the layer of internal disputes within each one of us that needs to be resolved, and second, the layer of external disputes between people that needs to be resolved. It is only when people try to the best of their ability to resolve both the internal and external levels of dispute resolution that there will be both inner peace and world peace.

PART I: AN OVERVIEW OF HINDUISM

In order to better understand the *Mahabharata*, it is necessary to have a clear overview of the teachings of Hinduism. Hinduism is a religion with spirituality at its end.¹ Unlike most religions, it accepts the notion that different people are at different levels of spiritual ripeness.² Thus, Hinduism offers many different paths that lead to the same destination based on how spiritually evolved someone is.³

It is difficult to study Hinduism because there is not just one source to go to in order to learn what Hinduism is about.⁴ It is unlike religions such as Judaism, Christianity, and Islam where if one wants to learn the religion they just have to read one main text such as the *Torah*, the *Bible*, or the *Koran*. Rather, Hinduism literally has thousands of books and scriptures on Hindu spiritual literature.⁵ These scriptures can be categorized into four different types: (1) *Srutis*,⁶ (2) *Smritis*,⁷ (3) *Epics*,⁸ and (4) *Puranas*.⁹

Srutis

The literal meaning of "Srutis" is "that which has been heard or revealed."¹⁰ Hindus believe that ancient sages, known as "Rishis," were capable of entering into deep meditation in which they were able to communicate directly with God.¹¹ Through this direct communication with God, the

¹ SHAKUNTHALA JAGANNATHAN, *HINDUISM: AN INTRODUCTION* 1 (1984).

² *Id.*

³ *Id.*

⁴ *Id.* at 5.

⁵ *Id.*

⁶ *Id.*

⁷ JAGANNATHAN, *supra* note 1, at 10.

⁸ *Id.* at 11.

⁹ *Id.* at 20.

¹⁰ *Id.* at 5.

¹¹ *See generally id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Srutis were revealed to the rishis.¹² The Srutis are more commonly known as the Vedas.¹³ The Vedas, which were codified by the sage Veda Vyasa, are critical because they form the basis of Hinduism and are known to be “aparurusheya,” which means “of divine origin, unchangeable, eternal.”¹⁴ Thus, all the teachings within the Vedas are thought to stand the test of time and be valid for any age.¹⁵

There are two sets of Vedas: the four original Vedas¹⁶ and the “Upa” or subsidiary Vedas.¹⁷

The Original Vedas

There are four original Vedas: Rig Veda, Yajur Veda, Sama Veda, and Atharva Veda.¹⁸ The Rig Veda contains hymns that praise the divine, the Yajur Veda contains hymns used in religious rituals, the Sama Veda contains hymns from the Rig Veda that are set to music, and the Atharva Veda “guides man in his material and daily living.”¹⁹

The Vedas contain different parts within themselves.²⁰ They consist of the Mantra, which is the hymn; the Brahmana, which explains how to use the hymn in rituals; the Aranyaka, which are mystical interpretations of the hymns; and finally the Upanishads, which are considered to be the most important part of the Vedas.²¹ This is because they are believed to be the “essence of the Vedas” and have “profound spiritual truths” which guide people in their “search for spiritual enlightenment.”²²

The Upa Vedas

There are four Upa Vedas: the Ayurveda, which is the science of health and balance of life; the Dhanurveda, which is the science of the use of weapons; the Gandharva Veda, which is the science of music and dance; and

¹² JAGANNATHAN, *supra* note 1, at 5.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ JAGANNATHAN, *supra* note 1, at 5.

¹⁹ *Id.*

²⁰ *Id.* at 6.

²¹ *Id.*

²² *Id.*

finally the Arthashastra, which explains state administration and the conduct of commerce.²³ In addition to the main Vedas and the Upa Vedas are the Vedangas, which are “limbs” of the Vedas and teach a multitude of topics such as Jyotisha, or Vedic astrology.²⁴

The Smritis

Smriti means “that which is remembered,” in Sanskrit.²⁵ Unlike the Srutis, which are of divine origin, the Smritis are “human compositions.”²⁶ It could be analogous to comparing the Srutis as Jesus’ sermons whereas the Smritis are letters from St. Paul.

At first glance, the Smritis seem to be the spiritual texts to look at when wanting to get a Hindu perspective on dispute resolution, but after a little bit of an investigation, it does not appear so. The Smritis were intended to “regulate and guide individuals in their daily conduct and list the codes and rules governing the actions of the individual, the community, society and the nation. They are known as the Dharma Shastras or the laws governing righteous conduct.”²⁷ But, unlike the perpetual applicability of the Vedas, the Dharma Shastras are more temporal. “Hinduism . . . accepts that the rules of society change with every age, and therefore the laws, or the Dharma Shastras must change from time to time.”²⁸

The Epics

The epics, also known as Smrit Samhitas are an important part of Hinduism. They “are friendly compositions, as they teach the greatest of truths in an easy, friendly way without taxing the mind, as the language is simple and the contents easily understood.”²⁹ Although there are four Hindu epics, the two most popular are the *Ramayana* and the *Mahabharata*.³⁰

²³ JAGANNATHAN, *supra* note 1, at 8-9.

²⁴ *Id.* at 9.

²⁵ *Id.* at 10.

²⁶ *Id.* at 11.

²⁷ *Id.* at 10.

²⁸ *Id.* at 10-11.

²⁹ JAGANNATHAN, *supra* note 1, at 11.

³⁰ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

The Ramayana

The *Ramayana* is the story of Lord Rama, who is an incarnation of Lord Vishnu.³¹ Rama ruled his kingdom during the Rama Rajya, which was essentially a time of utopia.³² “Ideal behavior of the rulers and the ruled, of men and women, were shown by the actions of the characters in this epic, thereby teaching the people, subtly yet effectively, what ideal behavior should be.”³³

The Mahabharata

The *Mahabharata* means “The Great War” in Sanskrit.³⁴ The *Mahabharata* is an epic that is over 5,500 pages in length.³⁵ It contains 100,000 verses and is eight times the length of Homer’s *Odyssey* and *Iliad* combined.³⁶ It is an important piece of spiritual literature because its stories elucidate the essence of the Vedas in a practical and understandable fashion. A concise summary of the epic is important to read in order to understand the importance of this work to the dispute resolution context.

The Puranas

Finally, the last category of Hindu spiritual texts is the Puranas. Similar to the Vedas, there are eighteen main Puranas and eighteen subsidiary, or Upa Puranas.³⁷ Essentially, the Puranas consist of tales that convey the truths of the Vedas and Dharma Shastras in the form of short stories.³⁸

In conclusion, these four categories of scriptures explain the tenets of Hinduism in their own fashion and appeal to different parts of the human consciousness:

The first, the Srutis or the Vedas are the very soul of Hinduism and are of divine origin. They are eternal and without beginning or end. The Smritis or Dharma Shastras are like the body, subject to decay and can be changed from time to time, from age to age. The truths of the Srutis and the

³¹ JAGANNATHAN, *supra* note 1, at 12.

³² *Id.*

³³ *Id.* at 12-13.

³⁴ *Id.* at 16.

³⁵ *Id.*

³⁶ *Id.*

³⁷ JAGANNATHAN, *supra* note 1, at 20.

³⁸ *Id.*

Smritis are conveyed to the ordinary people through great Epics, which appeal to their hearts, and through the Puranas, which appeal their imagination.³⁹

The Hindu Concepts of Dharma and Karma

Hindus believe that there is a preexistent macrocosmic order, which they call “*rta*”.⁴⁰ This belief arose out of the fact that there would always be some truths that would remain out of the scope of human knowledge.⁴¹ For example, to this day, nobody can explain the reasons why so much human life has been lost through disasters such as the tsunami that hit India and Thailand, Hurricane Katrina, and the huge earthquake that recently hit Pakistan. Some things are just outside the control and knowledge of humans. This is what the Hindus refer to as the preexistent macrocosmic order of *rta*. Because Hindus believe that there will always be a “higher entity” outside the scope of human knowledge, they do not consider written law as a primary source of law.⁴² At best, written laws are “potential guidance in solving a problem, but not binding legal rules”⁴³

In congruence with the preexistent macrocosmic order, or *rta*, Hindus believe that there is also a self-controlled microcosmic order called *dharma*.⁴⁴ *Dharma* is a fundamental tenet of Hinduism.⁴⁵ *Dharma* has no exact English translation, but it basically means, “the privileges, duties and obligations of a [person], their standard of conduct as a member of [their] community, as a member of [their profession], [and] as a person in a particular stage of life.”⁴⁶

Hindus believe that they have the power to know their own *dharma*.⁴⁷ Thus, “there is no one religious, moral, or legal code that binds all Hindus together as a matter of dogmatic belief.”⁴⁸ Instead, Hindus are allowed “to pick and choose elements from the tradition themselves.”⁴⁹ Thus, the concept of *dharma* makes it difficult for Hindus to believe or follow a strict code of rules.⁵⁰ *Dharma* similarly made it difficult for Hindu rulers to legislate

³⁹ *Id.* at 28.

⁴⁰ WERNER F. MENSKI, *HINDU LAW: BEYOND TRADITION AND MODERNITY* 78 (2003).

⁴¹ *Id.* at 80.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* at 78.

⁴⁵ JAGANNATHAN, *supra* note 1, at 57.

⁴⁶ MENSKI, *supra* note 40, at 80.

⁴⁷ *Id.*

⁴⁸ *Id.* at 84.

⁴⁹ *Id.*

⁵⁰ *Id.* at 85.

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

laws as well.⁵¹ The Hindu sages knew that even the most atrocious actions would be “allowable depending on the circumstances.”⁵² For example, in the *Mahabharata*, Lord Krishna instructs Arjuna that he must kill his relatives in war in order to fulfill his dharma.⁵³ “Dharma is, thus, . . . not an absolute notion of good, nor is adharma the equivalent of bad.”⁵⁴

Hindus believe that there will only be peace and harmony when everybody pursues dharma, or their righteous duty.⁵⁵ In other words, they believe that the “cosmic order [could be] sustained . . . by following dharma: through every individual’s self-controlled behavior and conscious subordination of personal desires to higher concerns.”⁵⁶ Adharma, which rejects righteousness and leads to conflicts, is the pursuit of the opposite path of dharma.⁵⁷

However, the concept of dharma is quite elusive. There is no rulebook that guides Hindus as to whether they are following their dharma or not, as the Koran would appear to do for Muslims.⁵⁸ In fact, there is no “guidance beyond the rule of righteousness”:⁵⁹

A Hindu who seeks guidance as to what is appropriate is at sea, so to say, floating on a bed of conceptual support structures that demand of every individual at all times to actively stay afloat by striving to do the right thing. There is no cozy life raft of simple prescriptions, no rope thrown from heaven that may just be grasped for salvation, no binding rule system that may just be applied more or less unthinkingly to stay afloat in the sea of life. Being a Hindu seems to be hard work, and is full of insecurities in terms of rewards for doing the right thing. But perhaps this is not what counts, anyway, since the key point of dharma is not so much the collection of brownie points for one’s own salvation, but awareness of cosmic interlinkage and the individual’s obligation towards the universe.⁶⁰

⁵¹ *Id.*

⁵² MENSKI, *supra* note 40.

⁵³ *See id.* at 94.

⁵⁴ *Id.*

⁵⁵ JAGANNATHAN, *supra* note 1, at 57 (“The saying, ‘dharanat dharmah’ means dharma sustains the world and it is that which holds the world together.”).

⁵⁶ MENSKI, *supra* note 40, at 95.

⁵⁷ JAGANNATHAN, *supra* note 1, at 57.

⁵⁸ MENSKI, *supra* note 40, at 97-98.

⁵⁹ *Id.* at 98.

⁶⁰ *Id.*

Hindus also believe in the concept of karma in conjunction with dharma.⁶¹ Karma simply means “action,” but Hindus believe that there is good karma, which is in accordance with dharma, and bad karma, which is in accordance with adharma.⁶² Depending on whether one does good or bad karma, one may receive benefits or adversities.⁶³ Accordingly, the concept of “dharma and karma together establish a complex system of moral demands and retribitional threats and promises, all designed to elicit ideal ‘appropriate’ behavior.”⁶⁴ Thus, society benefits when everyone realizes what their dharma is, and then “put[s] [their] duties into effect.”⁶⁵

Hindus believe that there was a golden age when everybody knew their dharma and actively pursued it.⁶⁶ This is when the “bull of dharma had four strong feet.”⁶⁷ Now, however is the “kaliyuga,” which is “the era of depravity and decay,” where “dharma only has one foot.”⁶⁸ Thus, people are not doing their dharma, which is why there is not only unhappiness in the world, but also why people do not have inner peace either.

The *Mahabharata* takes place in between the golden age of dharma and the kaliyuga. It is therefore a time when the fight between doing either dharma or adharma ensues.

PART II: SUMMARY OF THE *MAHABHARATA*

Although the *Mahabharata* contains hundreds of stories within stories, prologues and epilogues, there is one main plot, which climaxes into the Mahabharata, the great war. The plot centers around the descendants of King Vichitravirya.⁶⁹ King Vichitravirya had two sons, Dhritarashtra and Pandu.⁷⁰ Dhritarashtra, who was born blind, had one hundred sons who were known as the Kauravas.⁷¹ Duryodhana was Dhritarashtra’s first born son and is known for being wicked and jealous.⁷² Pandu had five sons who were known as the Pandavas.⁷³ His sons, Yudhishtira, Bhima, Arjuna, Na-

⁶¹ *Id.*

⁶² *See id.*

⁶³ *See id.*

⁶⁴ MENSKI, *supra* note 40.

⁶⁵ *Id.* at 99.

⁶⁶ *Id.* at 108.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ C. Rajagopalachari, *Mahabharata* (International Gita Society), <http://www.gita-society.com/section3/mahabharata.htm> (last visited September 12, 2006).

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

kula, and Sahudeva, were all known for being virtuous and masters in the art of war.⁷⁴ Even though Dhritarashtra was older than Pandu, Pandu became king after Vichitravirya died because a law prevented blind kings from ruling the land.⁷⁵ Pandu, however, died early when his sons were still young.⁷⁶ Thus, even though Pandu's eldest son, Yudhishtira was the heir apparent, King Dhritarashtra ruled the land until Yudhishtira was of mature age.⁷⁷ When Yudhishtira was eventually crowned king, Dhritarashtra's son Duryodhana became very jealous because he wanted to be the heir apparent and rule the land.⁷⁸ In order to get what he wanted, Duryodhana wanted the Pandavas dead.⁷⁹

Duryodhana tried to kill or ruin the Pandavas in many ways so that he could be the next heir to the throne.⁸⁰ For example, he tried to drown Bhima in the Ganges river, but his plan backfired.⁸¹ Duryodhana, however, remained perseverant and thought of even more wicked plans.⁸² He devised a plan where he lured the Pandavas to the city of Varanavata to attend a religious festival.⁸³ There, Duryodhana had a wax palace built for the Pandavas that appeared to be very comfortable, but was in fact built with combustible materials.⁸⁴ His plan was to have the place burned to the ground while the Pandavas were asleep in the wax palace.⁸⁵ The Pandavas found out of this plan from a mole, however, they did not want to make it look like they knew of it.⁸⁶ Instead, they wanted to make it look like they escaped by luck.⁸⁷ In fact, on the day the wicked plan was to be executed, the Pandavas escaped without a trace and made it look like they died in the fire.⁸⁸ In actuality, they were not dead; they dressed incognito as Brahman priests, went to the

⁷⁴ Rajagopalachari, *supra* note 69.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Rajagopalachari, *supra* note 69.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Rajagopalachari, *supra* note 69.

⁸⁷ *Id.*

⁸⁸ *Id.*

city of Ekachakra, and stayed there in a Brahman's house, while waiting for better days.⁸⁹

The Pandavas were incognito for over a year, and during this time Dhritarashtra and Duryodhana ruled the kingdom thinking that they would never have to worry about the Pandavas again.⁹⁰ But, the Pandavas finally revealed themselves at the swayamvara of Princess Draupadi. A swayamvaram was the practice where the family would give away their daughter in marriage to the most eligible bachelor.⁹¹ The Pandavas wanted to win Draupadi's hand in marriage.⁹² So they went to the city of Drupada still disguised as Brahman priests.⁹³ Some of Dhritarashtra's sons, including Duryodhana, were in attendance as well.⁹⁴ The test to win Draupadi as wife was announced by her brother Dhrishtadyumna:

Hear ye, O princes seated in state in this assembly, here is the bow. There is the target and here are the arrows. He who sends five arrows in succession through the hole of the wheel and unerringly hits the target, if he also be of good family and presence, shall win my sister.⁹⁵

None of the kings could do this feat, including Duryodhana and Karna.⁹⁶ Then Arjuna, who was disguised as a Brahman, tried and won with ease.⁹⁷ There were some kings who were against the fact that a Brahman was marrying Draupadi, since the swayamvara is a kshatriya practice.⁹⁸ When Arjuna and Bhima left, Dhrishtadyumna secretly followed them, and noticed that they were probably the Pandavas.⁹⁹ The Pandavas were then invited to King Drupada's palace.¹⁰⁰ Although Drupada was happy that Draupadi was marrying a Pandava, he was against the fact that the Pandavas wanted to "jointly marry Draupadi."¹⁰¹ Finally, Yudishthira gave his reasoning for doing so: "O king, kindly excuse us. In a time of great peril we vowed that we would share all things in common and we cannot break that pledge. Our mother has commanded us so."¹⁰² Finally, Drupada yielded.¹⁰³

⁸⁹ Rajagopalachari, *supra* note 69.

⁹⁰ *Id.*

⁹¹ *See id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ Rajagopalachari, *supra* note 69.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Rajagopalachari, *supra* note 69.

¹⁰² *Id.*

¹⁰³ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

The knowledge that the Pandavas were alive and more powerful now since they were connected by marriage to King Drupada infuriated both Duryodhana and Dhritarashtra.¹⁰⁴ Duryodhana was as jealous as ever and immediately tried to think of strategies and tricks to defeat the Pandavas.¹⁰⁵ His elder counselors, however, advised against this. The great warrior Bhishma said:

The proper course will be to welcome them back and give them half the kingdom. The citizens of the state also desire such a settlement. This is the only way to maintain the dignity of our family. There is much loose talk not creditable to you about the fire incident at the wax house. All blame, even all suspicion, will be set at rest if you invite the Pandavas and hand over half [of the] kingdom to them.¹⁰⁶

Other counselors agreed with Bhishma's advice, which influenced Dhritarashtra to give half of the kingdom to the Pandavas.¹⁰⁷ Dhritarashtra crowned Yudhishtira king and said, "My sons are wicked and proud. I have made this settlement so that there may be no strife or hatred between you. Go to Khandavaprastha and make it your capital."¹⁰⁸

The Pandavas went to Khandavaprastha and renamed the capital to Indraprastha.¹⁰⁹ They rebuilt the city and "[i]t grew in wealth and beauty and became the admiration of the world."¹¹⁰ The Pandavas happily ruled there for thirty-six years.¹¹¹ They ruled so well that Yudhishtira's people wanted him to become emperor. After conquering a kingdom, Yudhishtira performed the glamorous Rajasuya sacrifice and assumed the title of Emperor, with Lord Krishna's blessing.¹¹²

Duryodhana was in attendance at the Rajasuya sacrifice and was jealous of the Pandavas accomplishments.¹¹³ He desperately wanted to conquer them, but the evil genius, Sakuni, suggested to Duryodhana that because he knew how to cheat at the game of dice, he would be able to take over the Pandavas' kingdom without shedding any blood.¹¹⁴

¹⁰⁴ Rajagopalachari, *supra* note 69.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ Rajagopalachari, *supra* note 69.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

Yudhishtira was fond of gambling and it was impolite in those days to refuse an invitation to a game of dice.¹¹⁵ “At first Yudhishtira and Sakuni wagered jewels and later gold, silver and then chariots and horses. Yudhishtira lost continually.”¹¹⁶ He even wagered cows, sheep, cities vil- lages and citizens.¹¹⁷ “Still, drugged with misfortune, he would not stop.”¹¹⁸ Yudishtira even bet all of his brothers, then himself, and lastly, his wife Draupadi.¹¹⁹ He lost them all.¹²⁰

After the Kauravas won Draupadi, she came to the court, the Kauravas tried to take her robes off of her, which they also won.¹²¹ Draupadi prayed to God for some kind of intervention.¹²² “In vain Duhsasana toiled to strip off her garments, for as he pulled off each, ever fresh garments were seen to clothe her body, and soon a great heap of resplendent clothes was piled up before the assembly till Duhsasana desisted and sat down in sheer fa- tigue.”¹²³ After this miracle, King Dhritarashtra knew there would be ill fate on his kingdom.¹²⁴ He told Yudhishtira, “Take back your kingdom and riches and everything else and be free and prosperous. Return to Indra- prastha.”¹²⁵ When the Pandavas were gone, Duryodhana again convinced Dhritarashtra “to entice Yudhishtira once again to a game of dice.”¹²⁶ Yudhishtira could not refuse the game of dice without losing his honor, so he decided to play again.¹²⁷ The wager this time was that “the defeated party should go with his brothers into exile to the forest and remain there for twelve years and spend the thirteenth year incognito. If they were recog- nized in the thirteenth year, they should go again into exile for [another] twelve years.”¹²⁸ Unfortunately, Yudhishtira lost again and he, his broth- ers, and Draupadi were exiled to the forest.¹²⁹

While in exile, the Pandavas suffered great struggles.¹³⁰ “The PANDA- vas, had, no doubt, to pass through all sorts of troubles during their exile, but

¹¹⁵ Rajagopalachari, *supra* note 69.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Rajagopalachari, *supra* note 69.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ Rajagopalachari, *supra* note 69.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

the gains too were not inconsiderable. It was a period of hard discipline and searching probation through which they emerged stronger and nobler men.”¹³¹ The Pandavas decided to spend their year incognito in the kingdom of Matsya. During that period, each of them worked for the king’s court, but in disguise.¹³²

When the thirteenth year of incognito lifestyle ended, the conditions of the bet on dice only gave the Pandavas their personal freedom back, but they were still left without a kingdom.¹³³ Thus, Lord Krishna advised the Pandavas to seek a peaceful settlement, which would restore half of the kingdom back to Yudishthira.¹³⁴ The Pandavas agreed to send an envoy to the Kauravas in order to communicate that the Pandavas were interested in having peace.¹³⁵ Dhritarashtra also sent his envoy Sanjaya to relay a similar message.¹³⁶ Yudishthira told Sanjaya that if peace was the goal, the Pandavas would not even request half of the kingdom that they once ruled, but rather were content with only five villages.¹³⁷ When Duryodhana heard that the Pandavas were fine with only five villages, he thought the Pandavas were giving so much up because they were afraid of the Kauravas power.¹³⁸ Thus, Duryodhana went against his father’s wishes for peace and vowed that the Pandavas would “not receive even a needle-point of territory.”¹³⁹

Yudhishtira could sense from Sanjaya’s message of peace that in actuality, the Kauravas were trying to obtain peace without giving the Pandavas any land in exchange.¹⁴⁰ Krishna understood the complexity of the situation between the Kauravas and the Pandavas, and took it upon himself to seek peace between the two quarreling sides of the family.¹⁴¹

Krishna, unfortunately, failed at seeking peace, and war became a certainty.¹⁴² The rest of the *Mahabharata* describes in detail how the Pandavas defeated the Kauravas in an eighteen day battle that the world had never seen before.

¹³¹ Rajagopalachari, *supra* note 69.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Rajagopalachari, *supra* note 69.

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.* at 116-17.

Now that a summary of the Mahabharata has been given, this paper seeks to focus on the alternative dispute mechanisms that were sought rather than going to war.

PART III: ZOOMING IN ON LORD KRISHNA'S SETTLEMENT ATTEMPT

Krishna's settlement attempt covers about eighty lengthy sections of the *Mahabharata*. The goal is to analyze Krishna's settlement attempt thoroughly. Krishna is one of the most important Gods in Hinduism and He is the god who the story of the *Mahabharata* revolves around. It is thus also important to see what settlement techniques God uses in trying to secure peace.

The Pandavas Discuss the Importance of Peace

Yudhishtira demanded his kingdom back from Duryodhana but he refused.¹⁴³ Recognizing the complexity of the situation, the Pandavas had a lengthy discussion about what to do next.¹⁴⁴ Yudhishtira spoke first. He found himself stuck between a rock and a hard place: on one hand, he did not want to seek peace and be without a kingdom.¹⁴⁵ On the other hand, he did not want to go to war, which would threaten the extinction of the entire kshatriya race.¹⁴⁶ Thus, Yudhishtira reached the conclusion that conciliation without sacrificing ones interests was the best step to take.¹⁴⁷ Krishna agreed to try to secure peace with the Kauravas without sacrificing the Pandavas' interests.¹⁴⁸ However, Yudhishtira was afraid that if Krishna went to the Kauravas, Duryodhana would either do something wicked to Krishna or would be against peace, which would make Krishna's journey fruitless.¹⁴⁹ Krishna tried to pacify him and let him know that even if peace was not secured, the mission would not be fruitless, because the Pandavas would have

¹⁴³ THE MAHABHARATA (Kisari Mohan Ganguli trans., 1896) (citing Book 5, § 72, available at <http://www.sacred-texts.com/hin/m05/m05072.htm>).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ Ganguli, *supra* note 143 (citing Book 5, § 72, available at <http://www.sacred-texts.com/hin/m05/m05072.htm>).

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

at least avoided blame from the world.¹⁵⁰ Nobody would be able to re-proach them for going to war without first seeking peace.¹⁵¹

Next, Bhima gave his opinions on seeking peace.¹⁵² Throughout the *Mahabharata*, Bhima was known for being a strong and heroic figure who is not afraid of war. Yet, uncharacteristically, Bhima told Krishna that he agreed with Yudhishtira in that they should try to secure peace with the Kauravas.¹⁵³ In fact, he gave Krishna several tips on how to effectively seek peace with the wicked Duryodhana.¹⁵⁴ Particularly, he asked Krishna to use kind words with Duryodhana¹⁵⁵ and to get the agreement of Duryodhana's counselors so that he would ultimately be more open to accepting a peaceful settlement.¹⁵⁶ Krishna, rightfully so, was surprised that Bhima, out of all people, wanted peace.¹⁵⁷ Krishna started to question Bhima's manliness, even going to the extent of calling Bhima a "eunuch."¹⁵⁸ In this section, Krishna thought that Bhima was suggesting peace because he has seen "in-auspicious omens" and was thus promoting peace because he was scared to fight the war.¹⁵⁹ However, Bhima defended his manliness and his kshatriya duty by saying that he was not seeking peace out of fear, but "for the sake of compassion" and for "goodwill to the foe."¹⁶⁰ It appears that Krishna was more comfortable with seeking peace out of compassion for somebody else rather than out of fear for one's own livelihood.

¹⁵⁰ *Id.*

¹⁵¹ See Ganguli, *supra* note 143 (citing Book 5, § 73, available at <http://www.sacred-texts.com/hin/m05/m05073.htm>) ("And as thou askest for peace no one will charge thee sinful, while all the chiefs of the earth will censure the Kurus and Dhritarashtra . . .").

¹⁵² *Id.*

¹⁵³ Ganguli, *supra* note 143 (citing Book 5, § 74, available at <http://www.sacred-texts.com/hin/m05/m05074.htm>).

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* ("Do thou behave towards him with mildness . . . address him slowly and mildly, not in bitter but sweet words fraught with virtue and profit, and discourse fully on the subject so as to attract his heart.").

¹⁵⁶ *Id.* ("O Krishna, let the aged Grandsire and the other counselors of the Kurus be asked to bring about brotherly feelings between brothers and to pacify [Duryodhana].").

¹⁵⁷ Ganguli, *supra* note 143 (citing Book 5, § 75, available at <http://www.sacred-texts.com/hin/m05/m05075.htm>) ("That thou O Bhimasena, shouldst utter words so unexpected of thee is as strange as the shifting of a hill.").

¹⁵⁸ *Id.* An "eunuch" is "[a] man or boy whose testes are nonfunctioning or have been removed" or "[a]n ineffectual, powerless, or unmasculine man." See Dictionary.com, <http://dictionary.reference.com/search?q=eunuch>.

¹⁵⁹ Ganguli, *supra* note 143 (citing Book 5, § 75, available at <http://www.sacred-texts.com/hin/m05/m05075.htm>).

¹⁶⁰ Ganguli, *supra* note 143 (citing Book 5, § 76, available at <http://www.sacred-texts.com/hin/m05/m05076.htm>).

Krishna noticed that Bhima was passionate about seeking peace and tells him that the wise do their duty without being concerned as to the result.¹⁶¹ Krishna explained to Bhima that there was an equation to success, which was essentially: Human Exertion + Providence = Success.¹⁶² Krishna explained that one should always do their action or their human exertion.¹⁶³ The result, depending on Providence, was that it will either be successful or unsuccessful.¹⁶⁴ However, if there is no human exertion, the result is that it will always be unsuccessful.¹⁶⁵ Therefore, Krishna said that the wise always do their work but are unconcerned with the result.¹⁶⁶

Krishna gave an analogy to soil to elucidate his point:

Behold, the soil is moistened and divested of weeds by human exertion. Without rain, however, O [Arjuna], is never yieldeth crops. Indeed, in the absence of rain some speak of artificial irrigation, as a means of success due to human exertion, but even then it may be seen that the water artificially let in is dried up in consequence of providential drought. Beholding all this, the wise men of old have said that human affairs are set agoing in consequence of the cooperation of both providential and human expedients. I will do all that can be done by human exertion at its best. But I shall, by no means, be able to control what is providential.¹⁶⁷

Nakula, the Pandava brother, gives Krishna two pieces of advice on how to resolve the dispute between the Pandavas and the Kauravas.¹⁶⁸ First, instead of giving Bhima's advice of speaking kindly, Nakula tells Krishna to "speak . . . first words fraught with mildness and then those fraught with threats, so that the wicked [Duryodhana] may be agitated with fear."¹⁶⁹ Nakula wants Krishna to threaten the Kauravas with war so that they will be

¹⁶¹ Ganguli, *supra* note 143 (citing Book 5, § 77, available at <http://www.sacred-texts.com/hin/m05/m05077.htm>). In fact, Krishna said that nobody will ever truly know the consequences of their actions. *Id.* He said that even "learned men" and their acts "that are results of deliberation and well-directed policy, and that are consistent with considerations of propriety, are baffled by the dispensations of Providence." *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.* It appeared to Arjuna that Krishna thought securing peace was impracticable even if their best human effort is given. Ganguli, *supra* note 143 (citing Book 5, § 78, available at <http://www.sacred-texts.com/hin/m05/m05078.htm>). Arjuna however tells Krishna that this is not always the case and thus Krishna should give his best effort in trying to secure peace. *Id.*

¹⁶⁷ Ganguli, *supra* note 143 (citing Book 5, § 79, available at <http://www.sacred-texts.com/hin/m05/m05079.htm>).

¹⁶⁸ Ganguli, *supra* note 143 (citing Book 5, § 80, available at <http://www.sacred-texts.com/hin/m05/m05080.htm>).

¹⁶⁹ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

more inclined to make peace. Nakula thinks that Bhima's advice was once valid, but not anymore.¹⁷⁰ He tells Krishna that one should act depending on the circumstances.¹⁷¹ He reminds Krishna that their current situation is much different from when they were in exile or incognito.¹⁷² Now that those times have passed, Nakula says that the Pandavas have an army assembled "of inconceivable might and prowess." Therefore, Krishna should take advantage of their fortuitous situation and use it to scare Duryodhana into making peace.¹⁷³ Although this piece of advice seems a little obvious, there is a lot of wisdom to it. Sometimes one continues a method of seeking peace—or doing any other action for that matter—that is no longer necessary or could be done another way. It is important for peacemakers to be alert for new changes in a dispute so that they can use the new situation for leverage to gaining settlement.

Sahadeva has widely different advice to Krishna than the other brothers.¹⁷⁴ He accepts that his other brothers want to be virtuous and seek peace, but Sahadeva, in contrast, wants war at all costs, even if the Kauravas want peace.¹⁷⁵ Sahadeva seeks the non-righteous path because he cannot forget the obscenities done to Draupadi and must punish the Kauravas for it.¹⁷⁶ Similar to Sahadeva, Draupadi wants to seek war.¹⁷⁷ She thinks of seeking peace as "low," and is ready to count on her father and children to fight the Kauravas.¹⁷⁸

Arjuna, however, is against these oaths of war and tries to explain to the others that Krishna is the supreme candidate for seeking peace.¹⁷⁹ He says

¹⁷⁰ *Id.*

¹⁷¹ *Id.* ("Success, however, O [Krishna], is won when a man doth that which ought to be done in view of the occasion. When a thing is settled in one way on one occasion, it becometh unsuitable when the occasion becometh different. Persons, therefore, in this world, O foremost of men, cannot stick to the same opinion throughout.")

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ Ganguli, *supra* note 143 (citing Book 5, § 81, available at <http://www.sacred-texts.com/hin/m05/m05081.htm>).

¹⁷⁵ *Id.* ("Thou, O [Krishna], shouldst act, in such a way that war may certainly happen. Even if the Kauravas express their desire for peace with the Pandavas, still, O thou of Dasarha's race, provoke thou a war with them.")

¹⁷⁶ *Id.* ("Having seen, O Krishna, the princess of Panchala brought in that plight into the midst of the assembly, how can my wrath be appeased without the slaughter of [Duryodhana].")

¹⁷⁷ Ganguli, *supra* note 143 (citing Book 5, § 82, available at <http://www.sacred-texts.com/hin/m05/m05082.htm>).

¹⁷⁸ *Id.*

¹⁷⁹ Ganguli, *supra* note 143 (citing Book 5, § 83, available at <http://www.sacred-texts.com/hin/m05/m05083.htm>).

that Krishna's neutrality and competence are beneficial qualities to bringing about peace:

Thou art now, O Kesava, the best friend of all the Kurus. Related with both the parties, thou art the dear friend of both. It behoveth thee to bring about peace between the Pandavas and the sons of Dhritarashtra. Thou, O Kesava, art competent and, therefore, it behoveth thee to bring about a reconciliation.¹⁸⁰

Krishna agreed with Arjuna and said that making peace was consistent with the path of righteousness.¹⁸¹ The consensus that Krishna had, at least between the more important brothers of Arjuna, Bhima, and Yudhishtira, was that the Pandavas would be happy if the Kauravas gave them what they demanded through peaceful negotiation; but if not, then they would "annihilate the Kshatriya race."¹⁸² And with this, Krishna prepared to travel to the Kaurava city of Hastinapura.

Krishna Arrives at the Kingdom of the Kauravas

The Kauravas were eagerly anticipating Krishna's journey and arrival.¹⁸³ King Dhritarashtra wanted to put pavilions up along Krishna's route to Hastinapura and have them "furnished with every object of enjoyment."¹⁸⁴ Dhritarashtra's counselor, Vidura, began to question the king's intentions for giving Krishna such exorbitant amounts of wealth.¹⁸⁵ Vidura knew that the king was unwilling to make peace and to give the Pandavas the five villages they requested.¹⁸⁶ He also knew that the king was trying to somehow pay Krishna off: "Thou seekest to make the mighty-armed hero of Vrishni's race thy own by means of thy wealth . . . I tell thee, however, that thou art unable, by wealth, or attention, or worship, to separate Krishna from [Arjuna]."¹⁸⁷ Vidura suggests to the king that if he really wants to please

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ See generally Ganguli, *supra* note 143 (citing Book 5, § 85, available at <http://www.sacred-texts.com/hin/m05/m05085.htm>).

¹⁸⁴ *Id.*

¹⁸⁵ Ganguli, *supra* note 143 (citing Book 5, § 87, available at <http://www.sacred-texts.com/hin/m05/m05087.htm>) ("I truly swear by my own soul that thou dost not wish to give all this unto Krishna either from motives of virtue or for the object of doing what is agreeable to him. O giver of great wealth, all this betrays only deception, falsehood, and insincerity. By the external acts, O king, I know thy secret purpose.").

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Krishna, he should give him what he wants: peace.¹⁸⁸ This interaction between Vidura and King Dhritarashtra explains the maxim that one should not try to pay off a peacemaker. Just as Vidura told Dhritarashtra to make peace, the Grandsire Bhishma similarly told Duryodhana to accept Krishna's proposals for peace.¹⁸⁹ But Duryodhana was totally averse to peace and did not want to give any of his wealth away.¹⁹⁰ Instead, Duryodhana told Bhishma that he was devising a plan to kidnap Krishna so that the Pandavas would "submit" to him, which Bhishma was completely against.¹⁹¹

When Krishna finally arrived in the Kauravas' kingdom, he was warmly received.¹⁹² Duryodhana invited Krishna for a luxurious meal, but Krishna declined, which perturbed Duryodhana.¹⁹³ In order to alleviate Duryodhana's confusion, Krishna used an assertive and commanding tone, and gave an explanation with the force of law:

The high-souled Govinda, of eyes like lotus leaves, then raising his mighty (right) arm, and in a voice deep as that of the clouds, replied unto the king in excellent words fraught with reasons—words that were clear, distinct, correctly pronounced, and without a single letter dropped, saying, 'Envoys, O king, eat and accept worship only after the success of their missions. Therefore, O Bharata, after my mission becomes successful, thou mayest entertain me and my attendants.'¹⁹⁴

¹⁸⁸ *Id.* ("Give unto Kesava, O king, that object in expectation of which, from desire of benefiting both parties, he cometh to the Kurus. Kesava desires peace to be established between thee and Duryodhana on one side and the Pandavas on the other. Follow his counsels, O, monarch.").

¹⁸⁹ Ganguli, *supra* note 143 (citing Book 5, § 88, available at <http://www.sacred-texts.com/hin/m05/m05088.htm>).

¹⁹⁰ *Id.* ("O Grandsire, I can, by no means, live by sharing this swelling prosperity of mine with the Pandavas.").

¹⁹¹ *Id.*

¹⁹² See Ganguli, *supra* note 143 (citing Book 5, § 89, available at <http://www.sacred-texts.com/hin/m05/m05089.htm>; Book 5, § 90, available at <http://www.sacred-texts.com/hin/m05/m05090.htm>; Book 5, § 91, available at <http://www.sacred-texts.com/hin/m05/m05091.htm>).

¹⁹³ Ganguli, *supra* note 143 (citing Book 5, § 91, available at <http://www.sacred-texts.com/hin/m05/m05091.htm>) ("Why, O Janardana, dost thou not accept the diverse kinds of viands and drinks, robes and beds that have all been prepared and kept ready for thee? Thou hast granted aid to both sides; thou art engaged in the good of both parties. Thou art again the foremost of Dhritarashtra's relations and much loved by him. Thou, O Govinda, also knowest fully, and all things in details, both religion and profit. I, therefore, desire to hear, O bearer of the discus and the mace, what the true reason is of this thy refusal.").

¹⁹⁴ *Id.*

Krishna further explains to Duryodhana that he will not eat with him because of his wicked nature.¹⁹⁵ But one can also conjecture as to why Krishna gave his decree. One reason could be that he does not want to subjugate his neutrality by accepting gifts from the Kauravas. Another reason could simply be that he does not want to enjoy pleasures when there is work yet to be done.

Whatever his reasoning, Krishna's communication with Duryodhana had a condescending tone, showing that Krishna had a lot of love and respect for the Pandavas but not for Duryodhana.¹⁹⁶ He calls Duryodhana's hatred of the Pandavas "unreasonable" and if somebody hates the Pandavas, that person hates Krishna as well.¹⁹⁷

Instead of eating with Duryodhana, Krishna chose to eat with Vidura who had love for both the Kauravas and the Pandavas.¹⁹⁸ Vidura reminded Krishna of Duryodhana's wicked and stubborn nature and concluded that any attempt Krishna made at peace would be fruitless.¹⁹⁹ Vidura went further to say that Krishna was not wise to try to counsel Duryodhana to peace.²⁰⁰ But, Krishna gave four reasons to Vidura as to why it is important to try and seek peace even when there is no hope for it. First, whether you succeed or fail, the merit of the act will be yours.²⁰¹ Second, it is a friend's duty to make peace.²⁰² Third, if you try to seek peace and fail, you avoid any blame.²⁰³ Fourth, you satisfy your own conscience.²⁰⁴

¹⁹⁵ *Id.* Krishna explains that one accepts food from another either when they are in distress or when the offeror inspires love in the other by some act. *Id.* Duryodhana has done neither. *Id.* In fact Duryodhana was not being loving but wicked because he hated the virtuous Pandavas so much. *See id.* "Defiled by wickedness, all this food, therefore, deserveth not to be eaten by [Krishna]." *Id.*

¹⁹⁶ *See* Ganguli, *supra* note 143 (citing Book 5, § 91, available at <http://www.sacred-texts.com/hin/m05/m05091.htm>).

¹⁹⁷ *See id.* And to go a step further than that, Krishna said, "Know that the virtuous Pandavas and my own self have but a common soul." *Id.* Obviously insinuating Duryodhana, Krishna even said, "He, who, following the impulses of lust and wrath, and from darkness of soul, hateth and seeketh to injure one that is possessed of every good quality, is regarded as the vilest of men." *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ Ganguli, *supra* note 143 (citing Book 5, § 92, available at <http://www.sacred-texts.com/hin/m05/m05092.htm>).

²⁰⁰ *Id.* ("With those that are so resolved thy words will certainly prove vain. Where, O [Krishna], words, good or bad, are of the same effect, no wise man would spend his breath for nothing, like a singer before the deaf.")

²⁰¹ Ganguli, *supra* note 143 (citing Book 5, § 93, <http://www.sacred-texts.com/hin/m05/m05093.htm>). Krishna explained that one obtains great merit for liberating the world from war. *Id.* And even if someone who tries to do a virtuous act to the best of their ability fails, Krishna said, "I have not the least doubt that the merit of that act becomes his, notwithstanding such failure." *Id.* Thus, if one tries their best to accomplish the goal of peace, they will earn the merit of the action, regardless of whether or not they succeed. Therefore, one should always try to secure peace first, no matter how unlikely the result is, in order to obtain the merit of the action.

²⁰² *Id.* Krishna said that it is one's duty to stop his friend from doing something wrong. *Id.* Therefore, he shall do all in his power to stop his friend, "even to the extent of seizing him by the hair."

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Krishna Attempts to Counsel King Dhritarashtra to Peace

The day for the mediation finally comes. Krishna first made a speech to King Dhritarashtra for peace. In order to better understand his lengthy monologue to the king, it has been split into many assertions:

- Krishna's purpose for coming is to secure peace.²⁰⁵
- Krishna explains what the king's dharma (duty) is.²⁰⁶
- It is bad to not do your dharma (adharma).²⁰⁷
- You have the power to stop adharma.²⁰⁸
- Continuing adharma is bad.²⁰⁹
- It is not too late to stop adharma.²¹⁰
- Peace depends on both of us.²¹¹

Id. Krishna continued to elucidate the role of a "true friend" as one who acts as a mediator when there are disputes between "kinsmen." Ganguli, *supra* note 143 (citing Book 5, § 93, <http://www.sacred-texts.com/hin/m05/m05093.htm>). Therefore, because Krishna was a friend to both the Pandavas and the Kauravas, it was his duty as a true friend to try to seek peace between them. Using this logic in the national context, it would be heartening to see nation states, who are allies with disputing parties, take the role of neutral and impartial mediators between the two.

²⁰³ *Id.* Krishna explained that one who seeks peace to the best of his ability but stills fail does not receive blame but rather praise for his noble act. *Id.* There is no way that one who is competent in the field of peacemaking will receive the "censure of kings" after they have diligently attempted to secure peace between disputing parties. *Id.*

²⁰⁴ *Id.* ("If while endeavoring to bring about the good (of my friends), Duryodhana judgeth me wrongly, I shall have the satisfaction of my own conscience. . .").

²⁰⁵ Ganguli, *supra* note 143 (citing Book 5, § 95, *available at* <http://www.sacred-texts.com/hin/m05/m05095.htm>) ("In order that, O Bharata, peace may be established between the Kurus and the Pandavas without a slaughter of the heroes, I have come hither.").

²⁰⁶ Krishna almost cunningly reminded Dhritarashtra what the duties of a king are. *Id.* To name a few, Krishna said that a king's duty is "joy in the happiness of others, grief at sight of other people's misery, desire to alleviate distress, abstention from injury, sincerity, forgiveness, and truth . . ." *Id.* But even though the entire *Mahabharata* makes clear that the Kauravas are evil and wicked, Krishna contrastingly said that these ideals "prevail among[]" them. *Id.* This is a clever method for reminding the king what his duty is because it puts Dhritarashtra in an uneasy position if he does something contrary to what Krishna said his kingdom is so well known for.

²⁰⁷ Krishna told the king that it would be a "pity" if the Kauravas did anything "improper," or against their dharma, and an even greater pity if it was the king who did so. *Id.*

²⁰⁸ Krishna told the king that it is his dharma to "restrain" his sons from doing adharma. *Id.* In fact, because the king was not doing his dharma, he was allowing adharma to be perpetuated. Krishna explained to the king that his sons adharma consists of "abandoning both virtue and profit, disregarding morality, and [being] deprived of their senses by avarice." Ganguli, *supra* note 143 (citing Book 5, § 95, *available at* <http://www.sacred-texts.com/hin/m05/m05095.htm>). These acts cause the Kauravas to act "unrighteously" to the Pandavas, who should be the Kauravas' best friends. *Id.*

²⁰⁹ *Id.* ("If thou becomest indifferent to it, it will then produce a universal slaughter.").

²¹⁰ *Id.* ("If, O Bharata, thou art willing, thou mayest be able to allay that danger even yet, for, O bull of Bharata's race, peace, I think, is not difficult of acquisition.").

343

It would be best if your sons obeyed you.²¹²
Following the path of dharma is very beneficial to you.²¹³
Following the path of adharma is dangerous to you.²¹⁴
Follow the path of dharma and not the path of adharma.²¹⁵
It is your dharma to protect the Pandavas.²¹⁶

Krishna gives the king a statement from the Pandavas, which essentially tells the king that they did their dharma while living in the exile, and now it is the king's dharma to follow the path of dharma and secure peace.²¹⁷

²¹¹ Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>). Krishna told the king that peace is in both the hands of the king and himself. *Id.* Krishna said that in order to obtain peace, the king should "set right thy sons," and in turn, Krishna would "set the Pandavas right." *Id.* It appears that Krishna may have included this statement here to not put too much pressure on the king. If one bears the whole burden on their shoulders, they may become agitated and fearful. Krishna appeared to be adding an element of camaraderie with the king. He was letting him know that they are in this together. Krishna was his friend and together they could do something beneficial for the world.

²¹² Krishna told the king that its in the Kauravas' best interests if his sons "obey" his "command." *Id.* The best situation would be if the king's sons were in obedience to the king. *Id.*

²¹³ Krishna told the king that seeking peace would be the path of both "religion and profit." *Id.* He explained to the king of all the beneficial results that would happen if the king restrained his sons. Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>). First, peace would be beneficial to both the Kauravas and the Pandavas because they would both become allies. The Pandavas would be critical allies to have because they are supreme protectors that not even the gods could "vanquish." *Id.* Only people of "misdirected intelligence" would even consider fighting the joint force of the Pandavas and the Kauravas. *Id.* Effectively, if the Kauravas and the Pandavas are allies, the king will be invincible and the rest of the world will want to be his ally as well. *Id.* When the king is kept secure with his entire family, he will live in "exceeding happiness" and "enjoy the sovereignty" of the whole earth. *Id.*

²¹⁴ Krishna explains all the dangers of war that will result if the king does not do his dharma and restrain his sons. *Id.* Krishna talks of "wholesale destruction," and that the war will result in the "extermination" of the Earth's population. Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>). At best, even if the Kauravas win the war, he will not be able to be happy because they will be "reduced in numbers and strength." *Id.*

²¹⁵ Krishna continues to persuade the king to peace by explaining the pros of peace and the cons of war. *Id.* War would exterminate the population whereas peace will allow kings to "eat[] and drink[] with one another" and let them "return to their respective homes." *Id.* He hopes that the king's "affection" for the Pandavas will be "revived," which will lead to peace. *Id.*

²¹⁶ Krishna reminds the king that the Pandavas lost their father when they were very young, and ever since then, the king raised them. *Id.* Therefore, it is the king's duty to take care of them, especially "when they are distressed." Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>). He tells the king that if he goes against this, "virtue and profit" will be lost. *Id.*

²¹⁷ Krishna quoted Yudhishtira at this point in his monologue. Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>). Yudhishtira said that although they "suffered great misery" for the past thirteen years, they did not "break [their] pledge." *Id.* Now, it is the king's turn to do his duty in accordance with "virtue and profit", and give the Pandavas half of the kingdom. *Id.* Yudhishtira continued to say that because the king has been like a father and a "preceptor" to them, it is now his duty to act in accordance with those roles. *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Krishna gives the entire court a statement from the Pandavas, which asks them to do their duty and recommend the path of righteousness, which will attain peace.²¹⁸

In conclusion, Krishna says the following:

As regards myself, I desire, O Bharata, thy good as also theirs. For the sake of virtue, of profit, of happiness, make peace, O king, and do not allow the Earth's population to be slaughtered, regarding evil as good and good as evil. Restrain thy sons, O monarch, who have from covetousness proceeded too far. As regards the sons of Pritha, they are equally ready to wait upon thee in dutiful service or to fight. That which, O chastiser of foes, seems to thee to be for thy good, do thou adopt!²¹⁹

The Kauravas' Counselors Advise for Peace

Members of the court began to speak. Jamadagni's son told the story of Nara and Narayana to instill fear in Duryodhana.²²⁰ The Rishi Kanwa told the story of Garuda to Duryodhana so that he would not fight the Pandavas who were stronger opponents in battle.²²¹ Duryodhana responded to the

²¹⁸ *Id.* Yudhishthira asked the "virtuous members" of the court to remember "morality," "truth," and seek "righteousness". *Id.* And in doing so, he sought that the members of the court counsel the king to accept peace. Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>). Krishna uses Yudhishthira's statement to create dissension between the members of the court, as we will see later on, was his method of conciliation.

²¹⁹ Ganguli, *supra* note 143 (citing Book 5, § 97, available at <http://www.sacred-texts.com/hin/m05/m05097>).

²²⁰ Ganguli, *supra* note 143 (citing Book 5, § 96, available at <http://www.sacred-texts.com/hin/m05/m05096>).

²²¹ Matali could not find a suitable bridegroom for his daughter, who was the most beautiful in the land. Ganguli, *supra* note 143 (citing Book 5, § 97, available at <http://www.sacred-texts.com/hin/m05/m05097>). He searched the Gods and the men and could find none. *Id.* Then he decided to go to the netherworlds to see if he could seek one. *Id.* Matali was taken to many regions of the Netherworld as well as the region of the birds but could find no suitable bridegroom there. Ganguli, *supra* note 143 (citing Book 5, § 98-101, available at <http://www.sacred-texts.com/hin/m05/m05098>). Finally, in the happy region of Rasatala, Matali was attracted to Sumukha for his daughter. Ganguli, *supra* note 143 (citing Book 5, § 102-103, available at <http://www.sacred-texts.com/hin/m05/m05102>). They asked Aryaka, Sumukha's grandfather, for permission of his grandson's hand in marriage. Ganguli, *supra* note 143 (citing Book 5 § 104, available at <http://www.sacred-texts.com/hin/m05/m05104>). But, Aryaka was hesitant to the marriage proposal because his son was devoured by Garuda, who lived on earth, and he vowed to come back and eat Sumukha as well. *Id.* Lord Vishnu heard the complexity of the situation and made sure that Sumukha would have immortal life so that Garuda could no longer be feared. *Id.* Garuda was upset with Vishnu for allowing this. Ganguli, *supra* note 143 (citing Book 5, § 105, available at <http://www.sacred-texts.com/hin/m05/m05105>). After all, Garuda believed that it was his divine right to eat Sumukha. *Id.* Because he was upset at Vishnu, Garuda was challenging Vishnu as to

rishi's story with wicked laughter and a comment that his stories are useless since he will not change his behavior.²²² Still, another member of the court, Narada, tried to counsel Duryodhana.²²³ He told Duryodhana the story of the obstinate Galava and the vain Yayati in hopes that Duryodhana would relinquish his obstinate and vain attitude and pursue the path of peace instead.²²⁴ King Dhritarashtra agreed with Narada's story but said that he has

who was stronger between the two. *Id.* Garuda claimed that he was stronger than Vishnu, but Vishnu tested Garuda to see if he could even carry the weight of one of his arms. *Id.* Garuda could not and asked Vishnu to forgive his pride. *Id.* After this event, Garuda was cured of his pride. *Id.*

²²² Ganguli, *supra* note 143 (citing Book 5, § 105, available at <http://www.sacred-texts.com/hin/m05/m05105.htm>). Duryodhana said, "I am, O great *Rishi*, precisely what the Creator hath made me. What is to be, must be. What also hath been ordained in my case must happen, I cannot act otherwise. What can these senseless declamations, therefore, avail?" *Id.*

²²³ Ganguli, *supra* note 143 (citing Book 5, § 106, available at <http://www.sacred-texts.com/hin/m05/m05106.htm>).

²²⁴ *Id.* The ascetic, Viswamitra, gave his disciple, Galava, freedom. *Id.* Galava was thankful and asked Viswamitra a wish he could bestow upon him for being such a good teacher. *Id.* Viswamitra told him, "Go, go," insinuating that he did not want anything. *Id.* But Galava kept asking him, "What shall I give?" *Id.* Finally, Viswamitra angrily said, "Give me eight hundred steeds, every one of which should be as white as the rays of the moon, and every one of which should have one ear black. Go now, O Galava, and tarry not." Ganguli, *supra* note 143 (citing Book 5, § 106, available at <http://www.sacred-texts.com/hin/m05/m05106.htm>). Galava felt nervous and overwhelmed by Viswamitra's impossible request. Ganguli, *supra* note 143 (citing Book 5, § 107, available at <http://www.sacred-texts.com/hin/m05/m05107.htm>). But while he was "lamenting," one of his friends, Garuda, promised that he would help Galava. *Id.* Garuda told Galava that he could not get the steeds he was looking for without wealth. Ganguli, *supra* note 143 (citing Book 5, § 114, available at <http://www.sacred-texts.com/hin/m05/m05114.htm>). They decided to go to the very wealthy King Yayati and ask for some charity. *Id.* Yayati told Garuda that he was not as rich as he once was but in order to be virtuous and not make their journey "a fruitless one," Yayati asked them to take his daughter, Madhavi, a beautiful maiden who has been approached by the best of men and even gods for her hand in marriage. *Id.* He said that they could get the steeds they wanted as a dowry in exchange for Madhavi's hand in marriage. *Id.* Garuda and Galava approached King Haryyaswa for Madhavi's hand in marriage. Haryyaswa only had two hundred such steeds that Galava needed. Ganguli, *supra* note 143 (citing Book 5, § 116, available at <http://www.sacred-texts.com/hin/m05/m05116.htm>). Madhavi then told the King, Galava and Garuda that the gods had granted her a "boon" whereby after the delivery of a child she would become a virgin again. *Id.* She therefore suggests that Galava and Garuda should give her away to the king, take the two hundred steeds, and after she delivered a son to the king, they should retrieve her so that she can marry somebody else and they can get more steeds. The King accepted the agreement. *Id.* Galava took the two hundred steeds and retrieved Madhavi after she begot Haryyaswa a son. *Id.* Galava had the same bargain with King Divodasa and King Usinara whereby Galava obtained two hundred steeds from each king and they each begot a son from Madhavi. Ganguli, *supra* note 143 (citing Book 5 § 117-118, available at <http://www.sacred-texts.com/hin/m05/m05117.htm>). Galava later found out that there were no more steeds with one black hue available, so he decided to offer Viswamitra with the six hundred steeds and Madhavi as a substitute for the two hundred he could not obtain. Ganguli, *supra* note 143 (citing Book 5, § 119, available at <http://www.sacred-texts.com/hin/m05/m05119.htm>). Viswamitra accepted the offer. After Madhavi begot Viswamitra a son, Galava thanked her and returned her to her father. *Id.* The consequence of Galava's bargaining was that the virtuous King Yayati who gave his daughter to Galava had four grandchildren of high births. King Yayati went to heaven and was happy there for many thousands of years. *Id.* But, "from folly, ignorance, and pride," the King "mentally disregarded all the gods and Rishis, and all

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

no ability to persuade his son to do the right thing.²²⁵ So the King asked Krishna to counsel Duryodhana.²²⁶

Krishna Attempts to Counsel Prince Duryodhana to Peace

Krishna's speech to Duryodhana was just as lengthy as the speech to Dhritarashtra.²²⁷ Again, Krishna's speech was centered around counseling Duryodhana to do his dharma, but he also gave concessions in addition to that.²²⁸ Krishna's speech can be divided into the five following assertions:

It is Duryodhana's duty to act in accordance with his dharma.²²⁹

Duryodhana is acting contrary to his dharma, which is bad.²³⁰

Doing your dharma is good for the six following reasons: First, the fruits of your dharma will be beneficial to your family and the rest of the world,²³¹

human beings." *Id.* Because of this, nobody in heaven could recall who Yayati was. *See id.* ("[T]he minds of all were temporarily clouded, so that none recognized the king and thereupon the monarch was soon divested of his splendour."). King Yayati thus fell back to earth from heaven because he was "[e]xtremely intoxicated with pride" and "disregarded" everyone. Ganguli, *supra* note 143 (citing Book 5, § 121, available at <http://www.sacred-texts.com/hin/m05/m05119.htm>). King Yayati prayed to "fall amongst the righteous" and consequently, he fell among his four grandchildren and Madhavi who were in the forest together performing a sacrifice. *Id.* Madhavi commanded her sons to rescue their grandfather who had fallen from heaven. *Id.* Yayati ascended to heaven again because his grandsons transferred their good virtue unto Yayati. Ganguli, *supra* note 143 (citing Book 5, § 122, available at <http://www.sacred-texts.com/hin/m05/m05122.htm>). When he was back in heaven, Yayati was perplexed and asked the gods how all of the fruits of his virtuous deeds could be depleted so quickly solely because of his vanity in heaven. Ganguli, *supra* note 143 (citing Book 5, § 123, available at <http://www.sacred-texts.com/hin/m05/m05123.htm>). The gods responded that even though Yayati had thousands of years of virtuous deeds, he fell from heaven because there "is not a greater sinner than he who is consumed by the fire of vanity." *Id.* Thus, one should "[n]ever disregard those that are inferior, or superior, or in the middle station." *Id.*

²²⁵ Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>).

²²⁶ *Id.*

²²⁷ *See id.*

²²⁸ *See id.*

²²⁹ *Id.* Krishna told Duryodhana that since he was born into the wise Kshatriya race, it is his duty to act righteously.

²³⁰ *Id.* Krishna said that Duryodhana was not acting in accordance with virtue and profit but instead was acting unrighteously, which is perverse. Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>). Krishna said that only people who are "born in ignoble families, or are wicked-souled, cruel and shameless" act in such ways. *Id.* Krishna said that if Duryodhana continues to act in such a way it can only lead to sin and even death. *Id.*

²³¹ Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>). Krishna said that if Duryodhana would make peace it would make his father, his counselors, his friends and even the whole world benefit from the settlement. *Id.*

Second, it is good to listen to your parents;²³² Third, it is wise to listen to the counsel of friends;²³³ Fourth, it is proper to act generously to those who have been generous to you;²³⁴ Fifth, follow the path of virtue, which is better than the path of desire or profit;²³⁵ Sixth, unify with the righteous rather than the wicked.²³⁶

If you do not do your dharma, bad things will happen to you.²³⁷

If you do your dharma, we will give you a gift.²³⁸

²³² *Id.* Krishna said that it is in accordance with dharma for one to listen to their parents. *Id.* He said that “good sons” are “obedient” to their parents’ wishes. *Id.*

²³³ Krishna said it is wrong to not accept the beneficial counsel of friends. *Id.* But, one who accepts such counsel and disregards his own opinion will be successful. Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>). One who does not accept beneficial counsel from “well-meaning friends” but rather accepts counsel from wicked people will fall into distress. *Id.* Krishna wanted Duryodhana to not heed to the counsel he was receiving from his wicked entourage but rather to listen to the beneficial counsel given by his father and his wise counselors and teachers. *Id.*

²³⁴ *Id.* (“Although thou hast behaved deceitfully towards the Pandavas from their very birth, yet, O [Duryodhana], those distinguished persons have acted generously towards thee. It behoveth thee, therefore, O [Duryodhana], to act towards those principal kinsmen of thine with equal generosity.”).

²³⁵ *Id.* Krishna explained that wise men act in accordance with virtue, profit and desire. *Id.* If one cannot act in a way which attains all three, he or she should then do the action that seeks to attain virtue and profit. Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>). And still, if one can only pursue one of these ideals, those who are wise seek virtue, those who are “neither good nor bad” seek profit, and those who are wicked seek desire. *Id.* Krishna tried to teach Duryodhana that if he “surrender[s] . . . to . . . anger, [he] will lose[] his sense of right and wrong.” Thus, he hoped that Duryodhana would seek the path of virtue or even just profit, and be peaceful with the Pandavas. *Id.*

²³⁶ *Id.* Krishna admonished Duryodhana for having so much faith in his wicked friends Dussasana, Durvisaha, Karma, and Suvala’s son. *Id.* He said that it would be more profitable to Duryodhana if he was allied with the Pandavas, since they were wiser, more virtuous, stronger and have a greater potential for acquiring wealth. *Id.*

²³⁷ Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>). Next, Krishna attempted to be the “agent of reality” to Duryodhana. *Id.* He attempted to instill fear in Duryodhana by telling him that the Kauravas are no match for the Pandavas. *Id.* Krishna went to the extent of saying, “Indeed, Arjuna is incapable of being vanquished in battle even by all the gods . . .” *Id.* He pointed to all of Duryodhana’s family and the members of the court and says, “Let not these chiefs . . . perish on thy account. . . . [L]et not people say that thou art the exterminator of thy race and the destroyer of its achievements.” *Id.*

²³⁸ *Id.* Krishna attempted to give Duryodhana a further incentive for making peace. Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>). He said that if Duryodhana made peace with the Pandavas, the Pandavas would install him as the “Yuvaraja,” or the emperor of the land. *Id.* This was the position Yudhishtira was granted before he lost at the game of dice. *Id.* This was the position that Duryodhana was so jealous of the Pandavas for having. *Id.* The fact that Duryodhana did not accept this gift and was so adamant on war goes to show how deluded his mind was, how filled with wrath he was, and how much he just wanted to go to war. Even God could not negotiate him towards peace.

The Kaurava Counselors Attempt to Counsel Duryodhana to Peace

After Krishna's long speech to Duryodhana, the wise members of Duryodhana's court, Bhishma, Drona, Vidura, and his father, Dhritarashtra, all attempted to counsel Duryodhana to peace.²³⁹ All four of them appeared to sound exactly like Krishna.²⁴⁰ Bhishma corroborated Krishna's advice and said that it was indeed in accordance with virtue and profit.²⁴¹ And, he too asked Duryodhana not to exterminate his race, kill his family members, and "sink" his parents "into an ocean of grief."²⁴² Drona gave Duryodhana advice similar to Bhishma. In addition, he said that the Pandavas were even more formidable opponents than even Krishna said.²⁴³ It seemed like Drona was exhausted at all the counseling given to Duryodhana, as probably the reader is as well. He concluded by saying, "[W]hat use is there in telling thee what is really conducive to happiness and good? Everything hath now been said unto thee. . . ." ²⁴⁴ Vidura tried to counsel Duryodhana to peace by alluding to his parents.²⁴⁵ He hoped that if Duryodhana did not care for his own life, as was apparent by his staunch position on pursuing war and obvious death, he should at least think of his mother and father, who would have to wander the world as beggars after he died.²⁴⁶ Dhritarashtra told his son that it was now the time to make peace with the Pandavas, and if he declined to do so, "victory w[ould] never be [his]."²⁴⁷ Finally, Drona and Bhishma chimed in again and gave one last ditch effort to counsel Duryodhana.²⁴⁸ They both asked him to make peace before it was too late and the realities of war were upon them.²⁴⁹

²³⁹ Ganguli, *supra* note 143 (citing Book 5, § 125, available at <http://www.sacred-texts.com/hin/m05/m05125.htm>).

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ Ganguli, *supra* note 143 (citing Book 5, § 125, available at <http://www.sacred-texts.com/hin/m05/m05125.htm>).

²⁴⁶ *Id.*

²⁴⁷ *Id.*

²⁴⁸ Ganguli, *supra* note 143 (citing Book 5, § 126, available at <http://www.sacred-texts.com/hin/m05/m05126.htm>).

²⁴⁹ *Id.* Drona and Bhishma used eloquent imagery in this passage, which helped visualize what the imminent war would look like. *Id.* They talked of Bhima's "hero-slaying mace" and "arrowy showers" that can "penetrate the breasts of warriors." *Id.* It appeared as if Bhishma and Drona were trying

Duryodhana responded to the many counselors in the court. He thought that everybody was blaming him but he did not think that he was in the wrong.²⁵⁰ He told the court that the Pandavas lost their kingdom fair and square in the game of dice.²⁵¹ Duryodhana then reminded the court that it was he who ordered that the Pandavas' kingdom be given back to them when they lost it.²⁵² Duryodhana said it was no fault of his that the Pandavas lost their kingdom a second time and had to go into exile.²⁵³ He then made it seem like the Pandavas were the instigators of this war,²⁵⁴ and that it was his duty as a Kshatriya warrior not to "bow down to them in fear."²⁵⁵ Thus, Duryodhana said that as long as he lived, the Pandavas would not get even a needle point of territory.²⁵⁶

Krishna's Response to Duryodhana

Krishna responded to Duryodhana's speech in anger.²⁵⁷ He reminded Duryodhana that he was wrong in thinking that he was wholly innocent of causing the Pandavas' plight.²⁵⁸ It was Duryodhana who cheated at the game of dice to take away the Pandavas' kingdom.²⁵⁹ It was Duryodhana and his wicked friends who insulted Draupadi in public.²⁶⁰ It was Duryodhana who tried to burn the Pandavas in the wax palace and kill them on numerous other occasions.²⁶¹ Krishna said that although all of Duryodhana's

their hardest to explain to Duryodhana that war is no joke, and if he pursued it, he would pursue death. *Id.*

²⁵⁰ Ganguli, *supra* note 143 (citing Book 5, § 127, available at <http://www.sacred-texts.com/hin/m05/m05127.htm>) ("Indeed, [you] all reproach me alone and not any other monarch. I, however, do not find the least fault in myself.").

²⁵¹ *Id.*

²⁵² Ganguli, *supra* note 143 (citing Book 5, § 126, available at <http://www.sacred-texts.com/hin/m05/m05126.htm>). In reality, King Dhritarashtra ordered Duryodhana to give the kingdom back to the Pandavas. *Id.*

²⁵³ *Id.*

²⁵⁴ Ganguli, *supra* note 143 (citing Book 5, § 127, available at <http://www.sacred-texts.com/hin/m05/m05127.htm>) ("O Krishna, though (really) weak, why do the Pandavas yet so cheerfully seek a quarrel with us, as if they were strong? What have we done to them? For what injury . . . do the sons of Pandu . . . seek to slaughter the sons of Dhritarashtra?").

²⁵⁵ *Id.* Duryodhana said that it was against the Kshatriya dharma to lay down one's weapons out of fear. *Id.* He quoted the saying of Matanga, "[O]ne should always keep himself erect, and never bow down, for exertion alone is manliness; one should rather break at the knots than bend." *Id.*

²⁵⁶ *Id.*

²⁵⁷ Ganguli, *supra* note 143 (citing Book 5, § 128, available at <http://www.sacred-texts.com/hin/m05/m05128.htm>).

²⁵⁸ *Id.*

²⁵⁹ *Id.*

²⁶⁰ *Id.*

²⁶¹ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

wise counselors suggested that he seek peace, the only reason he would not choose it was because of his “loss of understanding.”²⁶² And because he would never listen to his friends, he “can[] never attain to what is for [his] benefit.”²⁶³

Upon Krishna’s conclusion of his speech, Duryodhana’s wicked brother, Dussasana told his brother that it appears that if Duryodhana did not make peace with the Pandavas, then his counselors and his father would “bind [him hand and foot]” and take him to the Pandavas himself.²⁶⁴ Instantly, Duryodhana left the court. This shows his propensity to listen to the counsel of wicked people since after only one comment, Duryodhana immediately followed the counsel of his brother, but after pages and pages of monologues from wise counselors, Duryodhana still would not listen to those who were concerned with his best interests.

After Duryodhana left the court, Krishna spoke to Dhritarashtra.²⁶⁵ He told the king that he should disregard his son’s wishes and secure peace.²⁶⁶ He asserted that sometimes one has to sacrifice the interests of some for the greater good:

For the sake of a family, an individual may be sacrificed. For a village, a family may be sacrificed. For the sake of a province, a village may be sacrificed. And lastly, for the sake of one’s self, the whole earth may be sacrificed. O monarch, binding Duryodhana fast, make peace with the Pandavas. O bull among Kshatriyas, let not the whole Kshatriya race be slaughtered on thy account.²⁶⁷

Dhritarashtra accepted Krishna’s counsel but said that he was too weak to change Duryodhana’s mind.²⁶⁸ He asked his wife, Gandhari, to try to counsel Duryodhana to peace.²⁶⁹ Before Gandhari spoke to Duryodhana, she chastised the king for following his son’s wishes even though he was wicked.²⁷⁰ She did not understand how somebody would use “force” to get

²⁶² *Id.*

²⁶³ Ganguli, *supra* note 143 (citing Book 5, § 128, available at <http://www.sacred-texts.com/hin/m05/m05128.htm>).

²⁶⁴ *Id.*

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ Ganguli, *supra* note 143 (citing Book 5, § 129, available at <http://www.sacred-texts.com/hin/m05/m05129.htm>).

²⁶⁹ *Id.*

²⁷⁰ *Id.* (“Indeed, O Dhritarashtra, thou so fond of thy son, art very much to be blamed for this, for knowing will his sinfulness, though followest yet his counsel.”).

that which could be obtained by “conciliation and gift.”²⁷¹ Gandhari then tried to counsel Duryodhana, giving much of the same advice as the others,²⁷² but Duryodhana would not even listen to his own mother.²⁷³ Instead, Duryodhana consulted with the wicked Sakuni, Karna, and Dussasana, who all resolved to kidnap Lord Krishna and break the morale of the Pandavas.²⁷⁴ When King Dhritarashtra and others heard of Duryodhana’s crazy plan, they could not believe his stupidity.²⁷⁵ Krishna, being God, was obviously invincible to any threat Duryodhana could impose upon him.²⁷⁶ When Duryodhana and his gang tried to kidnap Krishna, Krishna simply laughed, revealed his invincible and unimaginable divine form, and left the court.²⁷⁷ It was obvious at this time that all hopes for peace were vanquished and war was imminent.

Krishna Explains His Method of Negotiation

After Krishna spoke to the Pandavas’ mother, Kunti, who asked Krishna to pass on advice to Yudhishtira,²⁷⁸ Krishna went back to the Pandavas and explained to them what happened in the court.²⁷⁹ In a very logical format, Krishna explained to the Pandavas his method of negotiation.²⁸⁰

²⁷¹ *Id.*

²⁷² *Id.* Gandhari said that Duryodhana could only control a kingdom if he controlled his lust and wrath first. *Id.* It may be easy to obtain a kingdom when one’s senses are not under control, but it is difficult to retain one in the same fashion. Ganguli, *supra* note 143 (citing Book 5, § 129, available at <http://www.sacred-texts.com/hin/m05/m05129.htm>). She said, “That king who knoweth well how to conquer lust and wrath and avarice and boastfulness and pride, can own the sovereignty of the whole earth.” *Id.*

²⁷³ Ganguli, *supra* note 143 (citing Book 5, § 120, available at <http://www.sacred-texts.com/hin/m05/m05120.htm>).

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ *Id.* King Dhritarashtra asked his son, “[W]ishest though to chastise this invincible and irresistible one of eyes like lotus-leaves?” *Id.* Similarly, Vidura told Duryodhana of all of his Krishna’s godly miracles. *Id.* He asked him, “Knowest thou not sinless [Krishna], of terrible prowess and incapable of deterioration? . . . In seeking to use violence towards Krishna, endued with mighty arms and unwearyed by exertion, thou wilt, with all thy followers, perish like an insect failing into fire.” Ganguli, *supra* note 143 (citing Book 5, § 120, available at <http://www.sacred-texts.com/hin/m05/m05120.htm>).

²⁷⁷ *Id.*

²⁷⁸ Ganguli, *supra* note 143 (citing Book 5, § 132-135, available at <http://www.sacred-texts.com/hin/m05/m05132.htm>; <http://www.sacred-texts.com/hin/m05/m05133.htm>; <http://www.sacred-texts.com/hin/m05/m05134.htm>; and <http://www.sacred-texts.com/hin/m05/m05135.htm>).

²⁷⁹ Ganguli, *supra* note 143 (citing Book 5, § 150, available at <http://www.sacred-texts.com/hin/m05/m05150.htm>).

²⁸⁰ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

First, Krishna tried to establish “brotherly feelings” between the Pandavas and Kauravas.²⁸¹ Second, “when conciliation failed”, Krishna used “the art of producing dissensions.”²⁸² In doing so, Krishna mentioned the Pandavas’ prowess.²⁸³ Third, when Duryodhana disregarded this, Krishna tried to produce dissension between all the members of Duryodhana’s court.²⁸⁴ In this stage, because Krishna criticized the kings, used fear tactics, and admonished Duryodhana for his fraudulent game of dice, he regained “recourse to conciliation.”²⁸⁵ Fifth, in order to secure peace, Krishna even spoke of a gift.²⁸⁶ Even after Krishna did all of this, Duryodhana would still not budge from his position.²⁸⁷ Therefore, Krishna said that war is the only recourse left.²⁸⁸

Conclusions Gleaned from the Krishna Settlement Attempt

There are three important points we learn from the Krishna settlement process: (1) When one should seek peace; (2) Advice to Mediators; and (3) Advice to Clients.

When Should One Seek Peace?

Krishna believed that not getting ones needs met was worse than death.²⁸⁹ Thus, it was one’s dharma to make sure their needs were met. He taught that seeking peace with the right intentions was in accordance with dharma, the path of righteousness.²⁹⁰ While he frowned on seeking peace

²⁸¹ *Id.* (“The arts beginning with conciliation were all, O king, employed by me from desire of establishing brotherly feelings (between yourselves and your cousins), for the preservation of this race, and for the growth and prosperity of the (earth’s) population.”).

²⁸² *Id.*

²⁸³ *Id.*

²⁸⁴ *Id.*

²⁸⁵ Ganguli, *supra* note 143 (citing Book 5, § 150, available at <http://www.sacred-texts.com/hin/m05/m05150.htm>).

²⁸⁶ *Id.* Krishna told the Pandavas that the gift he spoke of in the court was: “[T]he sons of Pandu . . . will live in dependence on [you] . . . Let the kingdom be thine. Relinquish but five villages (to the Pandavas).” But, in actuality, Krishna said that the Pandavas would make Duryodhana emperor. *Id.*

²⁸⁷ *Id.*

²⁸⁸ *Id.*

²⁸⁹ Ganguli, *supra* note 143 (citing Book 5, § 72, available at <http://www.sacred-texts.com/hin/m05/m05072.htm>).

²⁹⁰ Ganguli, *supra* note 143 (citing Book 5, § 83, available at <http://www.sacred-texts.com/hin/m05/m05083.htm>).

solely out of fear of war, he accepted peace if it was out of compassion or goodwill to the enemy.²⁹¹ Thus, if one was pursuing conciliation under the right pretenses and without sacrificing one's interests, Krishna thought it was the best first step to take.²⁹² This is true even if one has been wronged to the point where their sense justice and revenge takes over.²⁹³ If however, one could not satisfy his or her own needs by peaceful negotiation, then one has no other choice but to go to war.²⁹⁴

Krishna also believed that peace should be sought, even after its attainment appears impossible, for five reasons.²⁹⁵ First, if done to the best of his or her ability, one receives the merit of even a failed act.²⁹⁶ Second, it is the duty of a friend to try and seek peace between kinsmen.²⁹⁷ Third, in trying to secure peace, one escapes the blame of the world for not attempting to do so.²⁹⁸ Fourth, one satisfies his or her own conscience in knowing that he or she tried to seek peace.²⁹⁹ Lastly, even if peace appears impossible to secure, it does not mean that it will not be secured.³⁰⁰ Krishna believed that nobody can ever truly know what the consequences of their action will be, even after rational and expert deliberation. He believed in his equation, Human Exertion + Providence = Success.³⁰¹ As long as somebody diligently does his or her duty, and if providence wants the action to be successful, it will be.

Thus, according to *The Mahabharata*, one should always attempt to secure one's needs first by diligent peaceful negotiation, but if it fails, one should fearlessly try to secure one's needs by war.

²⁹¹ Ganguli, *supra* note 143 (citing Book 5, § 76, available at <http://www.sacred-texts.com/hin/m05/m05076.htm>).

²⁹² Ganguli, *supra* note 143 (citing Book 5, § 72, available at <http://www.sacred-texts.com/hin/m05/m05072.htm>).

²⁹³ Ganguli, *supra* note 143 (citing Book 5, § 81, available at <http://www.sacred-texts.com/hin/m05/m05081.htm>).

²⁹⁴ Ganguli, *supra* note 143 (citing Book 5, § 83, available at <http://www.sacred-texts.com/hin/m05/m05083.htm>).

²⁹⁵ Ganguli, *supra* note 143 (citing Book 5, § 93, available at <http://www.sacred-texts.com/hin/m05/m05093.htm>).

²⁹⁶ *Id.*

²⁹⁷ *Id.*

²⁹⁸ Ganguli, *supra* note 143 (citing Book 5, § 72, 93, available at <http://www.sacred-texts.com/hin/m05/m05072.htm> and <http://www.sacred-texts.com/hin/m05/m05093.htm>).

²⁹⁹ Ganguli, *supra* note 143 (citing Book 5, § 93, available at <http://www.sacred-texts.com/hin/m05/m05093.htm>).

³⁰⁰ Ganguli, *supra* note 143 (citing Book 5, § 77, available at <http://www.sacred-texts.com/hin/m05/m05077.htm>).

³⁰¹ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Advice to Mediators

We learn four things from the *Mahabharata* regarding mediators: first, a mediator's ideal qualities; second, certain guiding principles a mediator should follow; third, a mediator's game plan; and fourth, a mediator's method of communication.

Regarding one's qualities, a mediator ought to be both neutral and competent.³⁰² In order to not subjugate one's neutrality, a mediator should not accept gifts or bribes from a party until after the success of his or her mission.³⁰³

The *Mahabharata* indicates three guiding principles mediators should follow in order to better secure peace. First, they are to use kind words.³⁰⁴ Second, they should try to have a difficult party's counsel agree with them that peace is the best option.³⁰⁵ Third, they need to be flexible and act depending on the circumstances.³⁰⁶ If a party's circumstances change, so should the mediator's method of securing peace.³⁰⁷

Krishna elucidated what his mediation game plan was. He tried to establish brotherly feelings between the parties.³⁰⁸ When that failed, he attempted to produce dissensions by instilling fear in the party.³⁰⁹ After such comments went unheeded, he tried to produce dissensions within the party so that he again had recourse to mediation.³¹⁰ Finally, in order to give an incentive to peace, he offered a gift.³¹¹

In sum, Krishna's mediation attempts with Duryodhana and Dhritarashtra give advice on how one should communicate to a party. Like Krishna, a

³⁰² Ganguli, *supra* note 143 (citing Book 5, § 83, available at <http://www.sacred-texts.com/hin/m05/m05083.htm>).

³⁰³ Ganguli, *supra* note 143 (citing Book 5, §§ 85, 87, 91, available at <http://www.sacred-texts.com/hin/m05/m05085>; <http://www.sacred-texts.com/hin/m05/m05087.htm>; and <http://www.sacred-texts.com/hin/m05/m05091.htm>).

³⁰⁴ Ganguli, *supra* note 143 (citing Book 5, § 74, available at <http://www.sacred-texts.com/hin/m05/m05074.htm>).

³⁰⁵ *Id.*

³⁰⁶ Ganguli, *supra* note 143 (citing Book 5, § 80, available at <http://www.sacred-texts.com/hin/m05/m05080.htm>).

³⁰⁷ *Id.*

³⁰⁸ Ganguli, *supra* note 143 (citing Book 5, § 150, available at <http://www.sacred-texts.com/hin/m05/m05150.htm>).

³⁰⁹ *Id.*

³¹⁰ *Id.*

³¹¹ *Id.*

mediator should state the purpose for his or her communication: peace.³¹² Then, the mediator should remind the party what their dharma is,³¹³ and that seeking peace is in accordance with dharma and the path of virtue, profit and desire.³¹⁴ Finally, the mediator should communicate that it is wrong to do adharna.³¹⁵ In doing so, the mediator should let the party know that they have the power to stop adharna and to continue the path of dharma.³¹⁶ Let the party know all the benefits of following their dharma,³¹⁷ and all of the dangers in following adharna.³¹⁸ In order to not put too much pressure on the party, the mediator should point out that peace depends on the dharma of both parties.³¹⁹ If applicable, the mediator should point out that the other side is doing their dharma, so it is only fair for this party to do their duty as well.³²⁰ In order to get some further leverage for attaining peace, the mediator should approach the party's counselors and let them know that it is their duty to solve this dispute peacefully first.³²¹ Additionally, the mediator should inform each party that the other side is not scared but wants peace because it is the right thing to do.³²² Finally, in a last ditch effort to secure peace, there are a few different measures that can be taken. The mediator can suggest that if the parties do their duty and pursue peace, they will receive a concession.³²³ If that does not work and the party thinks that they are not in the wrong, it is okay for the mediator to disagree with the party's position.³²⁴ If the party is still not up for peace, the mediator can counsel

³¹² Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>).

³¹³ Ganguli, *supra* note 143 (citing Book 5, §§ 95, 124, available at <http://www.sacred-texts.com/hin/m05/m05095.htm> and <http://www.sacred-texts.com/hin/m05/m124.htm>).

³¹⁴ Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>).

³¹⁵ See Ganguli, *supra* note 143 (citing Book 5, §§ 95, 124, available at <http://www.sacred-texts.com/hin/m05/m05095.htm> and <http://www.sacred-texts.com/hin/m05/m05124.htm>).

³¹⁶ Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>).

³¹⁷ See Ganguli, *supra* note 143 (citing Book 5, §§ 95, 124, available at <http://www.sacred-texts.com/hin/m05/m05095.htm> and <http://www.sacred-texts.com/hin/m05/m05124.htm>).

³¹⁸ See *id.*

³¹⁹ Ganguli, *supra* note 143 (citing Book 5, § 95, available at <http://www.sacred-texts.com/hin/m05/m05095.htm>).

³²⁰ *Id.*

³²¹ *Id.*

³²² *Id.*

³²³ Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>).

³²⁴ Ganguli, *supra* note 143 (citing Book 5, §§ 127-28, available at <http://www.sacred-texts.com/hin/m05/m05127.htm> and <http://www.sacred-texts.com/hin/m05/m05128.htm>).

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

that in order to secure peace, sometimes it is necessary to sacrifice the needs of a few for the greater good of the many.³²⁵

Advice to Clients

Other than “one ought to do their dharma,” there are a few specific points that the *Mahabharata* suggests to a client. A client should not try to pay off a mediator in order to subjugate their neutrality.³²⁶ Moreover, it is inappropriate for a client to have stubborn or vain characteristics, because such qualities only thwart the peace process.³²⁷

PART IV: THE BHAGAVAD GITA: A MESSAGE TO FIGHT THE BATTLE

There were many preparations for the war but finally the first day of the *Mahabharata* between the Pandavas and the Kauravas ensued. Arjuna, who was hands down the most valiant bowman and most formidable opponent in the war, asked Krishna, who was acting as Arjuna’s charioteer, to take him to the center of the battlefield so that he could see the faces of all those he had to fight.³²⁸ Krishna doing so, “Arjuna saw his uncles, grandfathers, teachers, maternal uncles, brothers, sons, grandsons, and other comrades in the army.”³²⁹ He immediately felt compassion in his heart and sorrow, and thought it was no use to kill his own kinsmen.³³⁰ Arjuna told Krishna that he no longer wanted a kingdom, victory, or pleasure “[b]ecause all those—for whom we desire kingdom, enjoyments, and pleasures—are standing here for the battle, giving up their lives.”³³¹ Arjuna continued with his dilemma, saying that he will “incur sin only” after killing the Kauravas.³³² He also thought that if the Pandavas killed the wicked Kauravas, they would be

³²⁵ Ganguli, *supra* note 143 (citing Book 5, § 128, available at <http://www.sacred-texts.com/hin/m05/m05128.htm>).

³²⁶ See Ganguli, *supra* note 143 (citing Book 5, § 87, available at <http://www.sacred-texts.com/hin/m05/m05087.htm>).

³²⁷ See Ganguli, *supra* note 143 (citing Book 5, § 124, available at <http://www.sacred-texts.com/hin/m05/m05124.htm>).

³²⁸ *Gita Introduction*, http://www.gita-society.com/section1/1_gita700verses.htm (citing verses 1.20-22).

³²⁹ *Id.* (citing verse 1.26).

³³⁰ *Id.* (citing verses 1.27-31).

³³¹ *Id.* (citing verses 1.32-33).

³³² *Id.* (citing verse 1.36).

stooping to their level and be just as sinful as they are.³³³ Arjuna could not take this strife anymore and sat down in his chariot with his face in his hands.³³⁴

It does not take much of a mental leap to analogize Arjuna's feelings with what many lawyers feel in the courtroom. A district attorney might be charging someone with the death penalty. At the other end of the courtroom, a criminal defense attorney might be defending a cold-blooded murderer. Both of these public servants might be in a similar situation to Arjuna. They all have duties that they wish they did not have to do, and they are wishing that things were different.

Krishna was not happy with Arjuna's behavior.³³⁵ He thought that Arjuna was being a "coward," and instructed him: "Shake off this trivial weakness of your heart and get up for the battle."³³⁶ Still, Arjuna continued to talk against the war but he realized that he was deluded.³³⁷ "My senses are overcome by the weakness of pity, and my mind is confused about duty (Dharma). Please tell me what is better for me," Arjuna said.³³⁸

Krishna's response to Arjuna's dilemma was what is known as the Bhagavad Gita. In it, among other things, Krishna gave advice to Arjuna that is as well-meant for the lawyers of today as it was for the warriors of five thousand years ago.

Essentially, Krishna's advice to Arjuna was to have no fear and get up and do his duty. Krishna started off by having a metaphysical discourse on the nature of life. He said that one should not grieve for the living or the dead because the eternal Spirit is within all of us and it is indestructible.³³⁹

³³³ *Id.* (citing verses 1.38-39) ("Though they are blinded by greed, and do not see evil in the destruction of the family, or sin in being treacherous to friends. Why should not we, who clearly see evil in the destruction of the family, think about turning away from this sin, O Krishna?). Further, Arjuna thinks that he will be committing a grave sin just for the greed of a kingdom. *Gita Introduction, supra* note 328 (citing verse 1.45). He would rather have his cousins kill him while he was unarmed than do that. *Id.* (citing verse 1.46).

³³⁴ *Gita Introduction, supra* note 328 (citing verse 1.47).

³³⁵ *Id.* (citing verse 2.02).

³³⁶ *Id.* (citing verse 2.03).

³³⁷ *See id.* (citing verses 2.04-10).

³³⁸ *Id.* (citing verse 2.07).

³³⁹ *See id.* (citing verse 2.11) ("You grieve for those who are not worthy of grief, and yet speak words of wisdom. The wise grieves neither for the living nor for the dead.); *see also id.* (citing verse 2.14) ("O Arjuna, the Spirit that dwells in the body of all beings is eternally indestructible. Therefore, you should not mourn for anybody."). Krishna explains to Arjuna that the people Arjuna is going to kill have always existed and will always exist because the indestructible soul "acquires another body after death." *See Gita Introduction, supra* note 328 (citing verses 2.12-13). *See also id.* (citing verse 2.17) ("The Spirit by whom this entire universe is pervaded is indestructible. No one can destroy the imperishable Spirit."). The Spirit is neither born nor does it die at any time. It does not come into being, or cease to exist. It is unborn, eternal, permanent, and primeval. The Spirit is not destroyed when the body is destroyed. *Id.* (citing verse 2.20) The Spirit is said to be unexplain-

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

He knew that Arjuna was really grieving for his family members' physical bodies, but he told Arjuna that the individual Spirit acquires a new body when its old body has perished.³⁴⁰ Krishna knew the reason for Arjuna's melancholy was because his "contacts of [his] senses with the sense objects give rise to the feelings of pleasure and pain."³⁴¹ He suggested to Arjuna to be "calm" and endure these feelings because one who does so is "fit for salvation."³⁴² Thus, Arjuna should do his duty as a warrior.³⁴³

In addition to the metaphysical aspect, Krishna gave Arjuna more reasons for not wavering and doing his duty as a warrior. First, he told Arjuna that "there is nothing more auspicious for a warrior than a righteous war."³⁴⁴ Second, if Arjuna failed in doing his duty, he would "incur sin" and "lose his reputation," which is worse than death.³⁴⁵ Third, as a leader, Arjuna should do his duty selflessly so that he can set an example for everybody else.³⁴⁶

Krishna not only explained why Arjuna should do his duty, but how he should do it as well. As instructed before in the *Mahabharata*, Krishna told Arjuna that he should do his duty to the best of his ability "abandoning worry and selfish attachment to the results, and remaining calm in both success and failure."³⁴⁷

able, incomprehensible, and unchanging. Knowing the Spirit as such you should not grieve. *Id.* (citing verse 2.25).

³⁴⁰ See *Gita Introduction, supra* note 328 (citing verse 2.14) ("The contacts of the senses with the sense objects give rise to the feelings of heat and cold, and pain and pleasure. They are transitory and impermanent.).

³⁴¹ *Id.* (citing verse 2.15).

³⁴² *Id.*

³⁴³ *Id.*

³⁴⁴ *Id.* (citing verse 2.31).

³⁴⁵ *Id.* (citing verse 2.33) ("If you will not fight this righteous war, then you will fail in your duty, lose your reputation, and incur sin."). See also *Gita Introduction, supra* note 328 (citing verse 2.34) ("People will talk about your disgrace forever. To the honored, dishonor is worse than death."); *id.* (citing verse 2.35) ("The great warriors will think that you have retreated from the battle out of fear. Those who have greatly esteemed you will lose respect for you."); *id.* (citing verse 2.36) ("Your enemies will speak many unmentionable words and scorn your ability. What could be more painful to you than this?").

³⁴⁶ *Gita Introduction, supra* note 328 (citing verse 3.20). Krishna told Arjuna that he should do his duty "with a view to guide people, and for the welfare of the society." *Id.* Krishna explained that, "[W]hatever noble persons do, others follow. Whatever standard they set up, the world follows." *Id.* (citing verse 3.21). Krishna said that as God, there is nothing in the world that he needs to obtain, but in order to set an example for others, he continues to do his duty. *Id.* (citing verses 3.22-24). It is the duty of the wise to set an example to the ignorant of how to work selflessly. See *id.* (citing verse 3.29). It is not their duty to preach to them how to work. *Id.* (citing verse 3.25).

³⁴⁷ *Gita Introduction, supra* note 328 (citing verse 2.47) ("The fruits of work should not be your motive, and you should never be inactive."). See also *id.* (citing verse 2.48) ("Do your duty to the best

Bhagavad Gita: Advice to Lawyers

Arjuna's state of mind was similar to that which lawyers may experience at any given point in their careers. Through the Bhagavad Gita, Krishna taught that a warrior, or today—a lawyer—should fearlessly do their duty to the best of their ability. They should not feel badly for whom they are representing or whom they are fighting because the spirit within all of us is the same and is indestructible. Instead, a successful attorney should remain calm in doing their duty and should not worry about their fruits of their actions. Doing their duty correctly, they will develop peace of mind.

PART V: BHAGAVAD GITA: MESSAGE TO FIGHT FOR INNER PEACE

Up until this point, this paper has discussed what the Hindu perspective of dispute resolution has been. Essentially, it is the belief that one should strive to get their needs met peacefully to the best of their ability; but if that fails, then one should strive to get his or her needs met through war to the best of his or her ability. However, there is another layer of dispute resolution that is taught through the Bhagavad Gita and the *Mahabharata*: the layer of internal dispute resolution within each individual. The Gita is thought to be a universal teaching, which provides the mechanism to overcome physical, mental, and emotional stress and attain inner peace.³⁴⁸

Eastern philosophers believe that the Gita does not enable one to “achieve” inner peace.³⁴⁹ Rather, inner peace is our natural state, but due to all the mental noise and inner conflicts, we are unable to enjoy our natural state of inner peace.³⁵⁰

In order to better understand this layer of internal dispute resolution, the symbolic meaning of the *Mahabharata* must be explained.

of your ability, O Arjuna, with your mind attached to the Lord, abandoning worry and selfish attachment to the results, and remaining calm in both success and failure. The selfless service is a yogic practice that brings peace and equanimity of mind.”). *See also id.* (citing verse 3.30) (“Do your duty dedicating all works to God in a spiritual frame of mind free from desire, attachment, and mental grief.”). *See also id.* (citing verse 6.02) (“No one becomes a Karma-yogi who has not renounced the selfish motive behind an action.”).

³⁴⁸ Sakthi Gita: A spiritual understanding and not religious, <http://www.sakthifoundation.org/gita-index.html>. Mental stress is thought to be the root of all disease, and so the Gita is used as a tool to learn how to kill mental stress, and thus kill all disease as well. *Id.*

³⁴⁹ Sakthi Gita: Our Inner Conflict, <http://www.sakthifoundation.org/conflict.htm>.

³⁵⁰ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Mahabharata's Symbolism for Internal Dispute Resolution

As one remembers, the Mahabharata is about the blind king Dhritarashtra, who can be symbolized as the blind mind, and his eldest son Duryodana, who can be symbolized as the ego.³⁵¹ Although Dhritarashtra was the eldest born son, he had to give his kingdom to his brother, Pandu, because Dhritarashtra was blind.³⁵² Pandu and his five children, the Pandavas, are the symbol of wisdom.³⁵³ Because Pandu died when his sons were young, the blind king Dhritarashtra could rule the kingdom until the Pandavas were of age.³⁵⁴ This signifies that the blind mind is not allowed to rule the kingdom because of the inherent wisdom within each of us.³⁵⁵ It also shows that the blind mind is allowed to temporarily rule the kingdom during our youth, until our wisdom is strong enough to take over and rule it.³⁵⁶ However, because the blind mind (Dhritarashtra) and the ego (Duryodhana) have already tasted control, they do not want to relinquish it.³⁵⁷ This sets the stage for conflict between the wicked Kauravas and the virtuous Pandavas, and the opportunity for Krishna to bring peace to the kingdom.

Further Symbolism of the Kauravas

Duryodhana, the ego is the prime cause of everybody's internal conflict.³⁵⁸ It is what prevents us from experiencing our natural state of peace.³⁵⁹ The ego is powerful and "wants everything to happen according to its likes and dislikes."³⁶⁰ Symbolically, the ego is an attitude born from the blind mind, King Dhritarashtra.³⁶¹ The mind is blind because it is "just a flow of thoughts," and depends on its senses, "to know what is happening inside and outside of the body."³⁶² The king's wife was Gandhari, who out of love for her husband, tied a bandage around her eyes, so that she too

³⁵¹ Sakthi Gita: Mahabharata and Gita, <http://www.sakthifoundation.org/maha.htm>.

³⁵² *Id.*³⁵³ *Id.*³⁵⁴ *Id.*³⁵⁵ *Id.*³⁵⁶ *Id.*³⁵⁷ Sakthi Gita: Mahabharata and Gita, *supra* note 351.³⁵⁸ Sakthi Gita: Our Inner Conflict, *supra* note 349.³⁵⁹ *Id.*³⁶⁰ *Id.*³⁶¹ *Id.*³⁶² *Id.*

could be blind with him.³⁶³ This signifies how the blind intellect follows the blind mind.³⁶⁴ Together, the blind intellect and the blind mind breed a hundred “propensities, desires, thoughts, ambitions, expectations and dreams,” which are symbolically Dhritarashtra’s hundred sons.³⁶⁵ The main, or eldest, thought was Duryodhana, the “I thought, the Ego thought.”³⁶⁶ Because the mind cannot think without having the ego thought, the mind is blindly attached to the ego.³⁶⁷ Thus, knowing that the blind mind is dependent on the ego, the ego “makes the mind its puppet.”³⁶⁸ Instead of the son obeying the king, the king is obeying the son.³⁶⁹ Ultimately, the result is that the ego does not care about anything except its own desires.³⁷⁰ This leads to the king not taking care of the kingdom (body), which leads to internal conflict.³⁷¹

This internal conflict can lead to damaging experiences such as bad health, regretful deeds, or shameful acts.³⁷² But whenever a damaging experience like this occurs, the intellect alerts us.³⁷³ “The intellect is like a wise minister or counselor who is concerned about the welfare of the people and of the king.”³⁷⁴ The intellect will inform the mind that the ego is not making correct choices.³⁷⁵

Further Symbolism of the Pandavas

The five Pandavas were each virtuous because they are born of Pandu, who is symbolic of wisdom.³⁷⁶ Yudhishtira was the first son, whose name means “undisturbed in battle.”³⁷⁷ He is represented by the throat chakra within us.³⁷⁸ He is a symbol of peace and thus, “[p]eace should be the ruler of us.”³⁷⁹

³⁶³ Sakthi Gita: Symbolism of Mahabharata. www.sakthifoundation.org/maha.htm.

³⁶⁴ *Id.*

³⁶⁵ *Id.*

³⁶⁶ Sakthi Gita: Our Inner Conflict, *supra* note 349.

³⁶⁷ *Id.*

³⁶⁸ *Id.*

³⁶⁹ *Id.*

³⁷⁰ *Id.*

³⁷¹ *Id.*

³⁷² Sakthi Gita: Ego – The Villain, <http://www.sakthifoundation.org/ego.htm>.

³⁷³ *Id.*

³⁷⁴ *Id.*

³⁷⁵ *Id.*

³⁷⁶ Sakthi Gita: Symbolism of Mahabharata, *supra* note 363.

³⁷⁷ *Id.*

³⁷⁸ *Id.*

³⁷⁹ *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Bhima was the second son, who is all powerful.³⁸⁰ He killed ninety-nine of the Kauravas.³⁸¹ He represents the breath or life force, which brings “awareness of oneness,” and drowns ignorance “in the purity of love.” Bhima is represented by the heart chakra.

Arjuna was the third son and “represents the liberating thoughts in us and brings peace.”³⁸² He also represents the “enquiring mind,” which “burns like fire and destroys the darkness of ignorance.”³⁸³ Krishna taught Arjuna the Bhagavad Gita because Arjuna represents the fire element, and this fire “needs to be given direction” in order to destroy ignorance.³⁸⁴

The twin brothers Nakula and Sahadeva are not as important as the other Pandavas, but their characters are symbolic as well. Nakula represents the water element and the desire to reproduce.³⁸⁵ “This sexual energy should be directed for our higher evolution towards peace.”³⁸⁶ Sahadeva represents the earth element, which is the foundation of enquiry, and “drives us to seek wisdom.”³⁸⁷

Further Symbolism of Krishna

Arjuna sought Krishna when he has his own internal struggle.³⁸⁸ Krishna is symbolic of the pure Consciousness within each one of us who can shine light on our struggles, burn out the ignorance, and give us peace.³⁸⁹

Knowing these characters within us sets the stage of knowing how one can always have inner peace:

When the mind (king) rules the kingdom (body) sticking to law and the advice of the ministers without the selfish attitude of pleasing his son, the Ego, there would be peace in the Kingdom. A king (mind) who rules with his own inner strength and not being a puppet in the hands of his Egoistic son, would bring peaceful reign.³⁹⁰

³⁸⁰ *Id.*

³⁸¹ *Id.*

³⁸² Sakthi Gita: Symbolism of Mahabharata, *supra* note 363.

³⁸³ *Id.*

³⁸⁴ *Id.*

³⁸⁵ *Id.*

³⁸⁶ *Id.*

³⁸⁷ *Id.*

³⁸⁸ Sakthi Gita: Symbolism of Krishna, <http://www.sakthifoundation.org/krishna.htm>.

³⁸⁹ *Id.*

³⁹⁰ *Id.*

Thus, the Gita is a guide that allows us to liberate the mind from the imprisoning ego,³⁹¹ “regain our inner strength” and also know “our real nature which is not this body, this mind, the intellect or this ego.”³⁹² Rather, “our true nature is one and the same but called in different names in different traditions – Soul, Spirit, Atma, God, Consciousness, Peace, Being, Reality etc.”³⁹³ Knowing this to be the goal of the Gita, Krishna’s discourse with Arjuna will be thoroughly analyzed to see how one can attain inner peace.

The Bhagavad Gita is seven hundred verses in length. Its organization is a bit convoluted and one seems to learn something new each time it is read. In order to make it less complicated, its main points will be explained in an order that is not found in the original, but may be more logical to the reader.

Essentially, Krishna told Arjuna that He is the Supreme Spirit.³⁹⁴ Everything that has been created contains his nature.³⁹⁵ Krishna’s nature is twofold: his higher nature is the Supreme Spirit and his lower nature is the material nature.³⁹⁶ Because Krishna created us, we also contain both the Supreme Spirit and the material nature.³⁹⁷ The material nature is what deludes human beings and keeps them from knowing their true nature, which is the Supreme Spirit.³⁹⁸ The material nature comes in three forms: the modes of goodness, passion, and ignorance.³⁹⁹ Of the three, the mode of goodness is the best and the mode of ignorance is the worst.⁴⁰⁰ It is important to transcend these material modes of nature so that one can ultimately know the Supreme Spirit because this is the source “of everlasting cosmic order,” or dharma.⁴⁰¹ Accordingly, when everybody knows his or her dharma, not only will there be everlasting inner peace, but also everlasting world peace.

It is thus crucial for one’s well-being and for world peace that everybody knows how to reach this source within us. Krishna explains to Arjuna that there is a twofold path to attaining this source: the path of unselfish work and the path of self-knowledge.⁴⁰²

³⁹¹ *What is different and unique about Sakthi Gita?*, <http://www.sakthifoundation.org/essence.htm>.

³⁹² Sakthi Gita: Ego – The Villain, *supra* note 372.

³⁹³ *Id.*

³⁹⁴ Gita Introduction, *supra* note 328 (citing verses 7.04-07).

³⁹⁵ *Id.* (citing verses 7.08-11; 10.02-42; 13.12-18).

³⁹⁶ *Id.* (citing verses 7.04-.07).

³⁹⁷ *Id.* (citing verses 10.11; 10.20; 13.22; 13.24; 13.31; 13.32; 13.33).

³⁹⁸ *Id.* (citing verses 7.13; 13.19-20; 13.21).

³⁹⁹ *See, e.g., id.* (citing verses 7.12).

⁴⁰⁰ Gita Introduction, *supra* note 328 (citing verses 14.06-14.18).

⁴⁰¹ *Id.* (citing verses 14.27).

⁴⁰² Arjuna was confused because at one point Krishna told him to seek the path of karma yoga, but at another point, he told Arjuna to seek transcendental knowledge. *Id.* (citing verses 3.01-02, 5.01). He was not sure as to which path to follow. Krishna said that nobody can achieve self-realization by

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

The Path of Unselfish Work

The path of unselfish work, which is known as karma yoga, “the yoga of action,” is basically the path of the doer.⁴⁰³ In order for there to be everlasting cosmic order and inner peace, one cannot do so by just being idle. Rather, one must do so by doing his or her dharma. Krishna asked Arjuna to do his dharma selflessly without thinking about the fruits of his labor.⁴⁰⁴ Additionally, he said that Arjuna should do his natural duty rather than his unnatural duty.⁴⁰⁵

While being a Karma-yogi there are seven maxims that one should follow. First, one should have the right attitude when they are working.⁴⁰⁶ Second, one should have the right motive behind one’s work.⁴⁰⁷ Third, one should do one’s duty.⁴⁰⁸ Fourth one should do one’s best.⁴⁰⁹ Fifth, one should give up the results of one’s work to God.⁴¹⁰ Sixth one should work in order to serve God and others.⁴¹¹ And finally, one should be disciplined in one’s work so that he or she can learn all that is possible from what he or she is doing.⁴¹²

not doing work. *Id.* (citing verses 3.04-05). Working is a lot better than just being idle. *Id.* (citing verse 3.08). Importantly, Krishna told Arjuna that both paths are required for salvation: “Work does not bind a person who has renounced work by renouncing the fruits of work through Karma-yoga, and whose confusion with regard to body and Spirit is completely destroyed by the application of Self-knowledge, O Arjuna. Therefore, cut the ignorance-born confusion with regard to body and Spirit by the sword of Self-knowledge, resort to Karma-yoga, and get up for the war, O Arjuna.” *Id.* (citing verses 4.41-42). Although Krishna said that the path of selfless service is superior to the path of transcendental knowledge, he only said so because it is easier to follow. Gita Introduction, *supra* note 328 (citing verse 5.02). Krishna thought that the people of real wisdom follow both paths: “The ignorant — not the wise — consider the path of Self-knowledge and the path of selfless service (Karma-yoga) as different from each other. The person, who has truly mastered one, gets the benefits of both.” *Id.* (citing verse 5.04).

⁴⁰³ See International Sivananda Yoga Vedanta Centres: *The Paths of Yoga*, <http://www.sivananda.org/teachings/philosophy/fourpaths.html>.

⁴⁰⁴ Some Hindus believe that if one does their work without thinking about the fruits of their labor and by offering up their work to God, they are “sublimat[ing] the ego.” *Id.* To further aid in this process, one should chant a mantra while working. *Id.*

⁴⁰⁵ Gita Introduction, *supra* note 328 (citing verses 18.45-48).

⁴⁰⁶ International Sivananda Yoga Vedanta Centres: *Principles of Karma Yoga*, <http://www.sivananda.org/teachings/karma/karmayoga.html>.

⁴⁰⁷ *Id.*

⁴⁰⁸ *Id.*

⁴⁰⁹ *Id.*

⁴¹⁰ *Id.*

⁴¹¹ *Id.*

⁴¹² International Sivananda Yoga Vedanta Centres: *Principles of Karma Yoga*, *supra* note 406.

The Path of Self-Knowledge

The path of self-knowledge is the path of the knower. Without pursuing the path of self-knowledge, that path of the doer would not know what to do. This is how most people in today's world live: they don't know what to do with their lives. For example, they might be in law school, but they might not know what they want to do in law school. Or they might be lawyers, but they might not know what kind of law they want to do. If they do know what kind of law they want to do, they might not know whether they should pursue a cause of action, settle the case, or just have the case dismissed. The bottom line is that there is always a time where people do not really know what they are supposed to be doing.

Krishna believes that this is because humans have not developed the path of self-knowledge. The path of self-knowledge is important to develop because it gives the "doer" the right thing to do, which is dharma. When one knows their dharma, not only are they at peace, but they are contributing to the cosmic world order as well.

The difficult question is: how does one acquire the self-knowledge in order to know their dharma? Krishna gave many answers,⁴¹³ the most interesting of which are the path of yoga, the path of meditation, the path of instruction, and the path of health.

Acquiring Self-Knowledge Through the Path of Yoga

"Yoga," which means "joining," has the goal of "[reuniting] the individual self (Jiva) with the absolute or pure consciousness."⁴¹⁴ Most Westerners think that yoga only involves a stretching exercise, but that is only one aspect of yoga.⁴¹⁵ In fact, Eastern philosophers teach that yoga involves five points: (1) Proper Exercise, (2) Proper Breathing, (3) Proper Relaxation, (4) Proper Diet, and (5) Meditation.

⁴¹³ Krishna says that one acquire self knowledge by worshipping gods, studying scriptures, giving charity, or fasting. Gita Introduction, *supra* note 328 (citing verses 4.32).

⁴¹⁴ All Ayurveda, *Curative Yoga*, <http://www.allayurveda.com/cyoga.htm>. See also International Sivananda Yoga Vedanta Centres, *What is Yoga?*, <http://www.sivananda.org/teachings/yoga.html> ("Yoga refers to a certain state of consciousness as well as to methods that help one reach that goal or state of union with the divine.").

⁴¹⁵ See also International Sivananda Yoga Vedanta Centres, *Five Points Yoga*, <http://www.sivananda.org/teachings/philosophy/fivepoints.html>.

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Proper Exercise

Proper exercise is necessary for our bodies.⁴¹⁶ Proper exercise has been defined as that which is “pleasant to the practitioner while beneficial to the body, mind and spiritual life.”⁴¹⁷ This is what the physical yoga exercises seek to do. The yoga stretches are intended to build strength and flexibility of the spine because the spine contains the nervous system, which is “the telegraphic system of the body.”⁴¹⁸ Yoga is also known to benefit the endocrine system as well as other internal organs.⁴¹⁹

Proper Breathing

Yoga is heavily centered around developing proper breathing, known as pranayama.⁴²⁰ Proper breathing is required to “increase[] vitality and mental clarity.”⁴²¹ Symbolically speaking, the Pandava, Bhima, represents the pranayama element. He was the brother who killed all the Kauravas. This goes to show that when one has developed the breath, one can destroy the ego and all its desire, and experience full Consciousness.⁴²²

Yogis believe that most of the population is not experiencing the full benefits of breathing because they are breathing incorrectly.⁴²³ Most people take shallow breaths and breathe in a way where “maximum effort is made, but a minimum amount of air is obtained.”⁴²⁴ The ideal way to breath is by learning a combination of clavicular, thoracic, and deep abdominal breathing, which would lead to full Yogic breathing.⁴²⁵ When one develops such a breath, they can access the prana, “or subtle energy of the vital breath,” which leads to quieting the mind.⁴²⁶

⁴¹⁶ See *id.*

⁴¹⁷ See *id.*

⁴¹⁸ International Sivananda Yoga Vedanta Centres, *Exercise*, <http://www.sivananda.org/teachings/asana/exercise.html>.

⁴¹⁹ *Id.*

⁴²⁰ All Ayurveda, *Curative Yoga: Principles*, http://www.allayurveda.com/cyoga_princ.htm.

⁴²¹ International Sivananda Yoga Vedanta Centres, *5 Points Yoga*, *supra* note 415.

⁴²² All Ayurveda, *Curative Yoga*, *supra* note 414. See also International Sivananda Yoga Vedanta Centres, *Proper Breathing*, <http://www.sivananda.org/teachings/pranayama/breathin.html> (“Control of the Prana leads to control of the mind.”).

⁴²³ International Sivananda Yoga Vedanta Centres: *Proper Breathing*, *supra* note 422.

⁴²⁴ *Id.*

⁴²⁵ See generally *id.*

⁴²⁶ *Id.*

Proper Relaxation

Proper Relaxation is necessary to cope with all of the modern day stress inducing mechanisms, such as traffic and hard-to-meet deadlines.⁴²⁷ Proper relaxation allows one to “rejuvenate [his or her] nervous system and attain a deep sense of inner peace.”⁴²⁸ Some yogis believe that most people are relaxing in the wrong ways.⁴²⁹ They believe that perfect relaxation involves the combination of physical, mental, and spiritual relaxation, and that one has not totally relaxed unless he or she has reached the stage of spiritual relaxation.⁴³⁰

Proper Diet

The proponents of the principles of yoga believe that food affects your physical, emotional, mental, and spiritual well-being.⁴³¹ Thus, it is important to watch what one eats. Many yogic philosophers believe that a strict vegetarian diet is the only way to have a proper diet,⁴³² but that belief is not universally held.⁴³³

⁴²⁷ International Sivananda Yoga Vedanta Centres: *5 Points Yoga*, *supra* note 415.

⁴²⁸ *Id.*

⁴²⁹ International Sivananda Yoga Vedanta Centres, *Proper Relaxation*, <http://www.sivananda.org/teachings/philosophy/relaxation.html>.

⁴³⁰ *Id.* The physical relaxation pose that is recommended is the “Savasana,” or the “Corpse Pose,” which is the final pose that most yoga classes end with. *Id.* In order to relax the mind, some recommend “to breathe slowly and rhythmically for a few minutes.” *Id.* In order to relax spiritually, which is the only way to remove “worries, sorrows, anxieties, fear, and anger” one must identify with the pure consciousness that is within them. *Id.*

⁴³¹ See International Sivananda Yoga Vedanta Centres, *5 Points Yoga*, *supra* note 415.

⁴³² See *id.* There is a belief that the Sun provides all the energy for life. International Sivananda Yoga Vedanta Centres, *Proper Diet*, <http://www.sivananda.org/teachings/diet/diet.html>. The sun nourishes the plants, which are eaten by vegetarian animals, which are then eaten by carnivorous animals. *Id.* These yogis believe that eating vegetables is a first hand source of the sun’s nutrition whereas eating meat is a secondhand source of such nutrition. *Id.* Thus, they believe that a vegetarian diet is more beneficial to the body. *Id.* This “Yogic Diet” not only frowns on eating meat, but also on any food that is “overly stimulating, preferring those which render the mind calm and the intellect sharp.” *Id.* Thus, the one who is truly doing a yogic diet would avoid “ingesting meats, fish, eggs, onion, garlic, coffee, tea (except herbal), alcohol and drugs.” *Id.* See also Wikipedia, http://en.wikipedia.org/wiki/International_Society_for_Krishna_Consciousness (saying that Hare Krishnas are prohibited from taking meat, fish, eggs, alcohol, caffeine, and tobacco).

⁴³³ See The Ayurvedic Institute, *Food Guidelines for Basic Constitutional Types*, http://www.ayurveda.com/online%20resource/food_guidelines.pdf (allowing for certain types of meats, eggs, fish, caffeine and alcohol depending on what one’s body constitution is).

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

Meditation

Yogic philosophers believe that meditation will bring the mind under perfect control, which will lead the practitioner to see his or her Higher Self.⁴³⁴ “When the surface of a lake is still, one can see the bottom very clearly. This is impossible when the surface is agitated by waves. In the same way, when the mind is still, with no thoughts or desires, you can see the ‘Self’. This is called ‘Yoga.’”⁴³⁵ In addition to seeing the Self, meditation’s goal is also to “entertain positive and creative thoughts as these will contribute to vibrant health and a peaceful, joyful mind.”⁴³⁶ And, if practiced diligently, meditation will lead a state of perfect concentration, which if focused on one’s Higher Being, will lead to a “state of lasting happiness and absolute peace.”⁴³⁷

In the Bhagavad Gita, Krishna teaches a meditation technique.⁴³⁸ He suggests that one should “fix the eyes and the mind at an imaginary black dot between the eye brows, equalizing the breath moving through the nostrils by using yogic techniques, keeping the senses, mind and intellect under control, having salvation as the prime goal, and by becoming free from lust, anger and fear.”⁴³⁹ Further, He says that when doing meditation, one should sit on a seat that is not too high or not too low.⁴⁴⁰ Also, one should sit holding his or her “waist, spine, chest, neck, and head erect. . . .”⁴⁴¹ Finally, he

⁴³⁴ International Sivananda Yoga Vedanta Centres, *5 Points Yoga*, *supra* note 415.

⁴³⁵ International Sivananda Yoga Vedanta Centres, *Meditation*, <http://www.sivananda.org/teachings/meditation/meditation.html>.

⁴³⁶ International Sivananda Yoga Vedanta Centres, *5 Points Yoga*, *supra* note 415.

⁴³⁷ International Sivananda Yoga Vedanta Centres, *Meditation*, *supra* note 435.

⁴³⁸ Gita Introduction, *supra* note 328 (citing verse 5.27). *But see* A.C. BHAKTIVEDANTA SWAMI PRABHUPADA, *BHAGAVAD GITA AS IT IS* 304-05 (Bhaktivedanta Book Trust 1989). Swami Prbhupada, founder of the Krishna Consciousness Movement, thinks that it is impossible for one to do such diligent meditation in today’s day and age. *Id.* at 304. Instead, he recommends that the quickest and easiest way one can get to the source is by chanting the “Hare Krishna” mantra, which is: Hare Krishna Hare Krishna, Krishna Krishna, Hare Hare. Hare Rama Hare Rama, Rama Rama, Hare Hare. *Id.* at 305.

⁴³⁹ Gita Introduction, *supra* note 328 (citing verses 5.27-28). Some suggest that intellectual people should place their attention in between the eyebrows whereas more emotional people should place their attention on the heart. International Sivananda Yoga Vedanta Centres, *Meditation*, *supra* note 435.

⁴⁴⁰ Gita Introduction, *supra* note 328 (citing verses 6.11-12). There is also suggestions from other sources indicating that one should meditate early in the morning in order to take advantage of the special spiritual forces alive during that time. International Sivananda Yoga Vedanta Centres, *Meditation*, *supra* note 435. Additionally one should face north or east in order to take advantage of “favorable magnetic vibrations.” *Id.*

⁴⁴¹ Gita Introduction, *supra* note 328 (citing verses 6.13-14).

says that one cannot get the benefits of meditation if they eat or sleep too much or too little.⁴⁴²

Acquiring Self-Knowledge Through the Path of Bhakti Yoga

Bhakti Yoga is a path that can be done along with the traditional yoga path. It is known as the path of devotion or divine love for God.⁴⁴³ It is a path of “endless surrender” to something greater than ourselves.⁴⁴⁴ It is the path of the heart where one “transmutes” his or her emotions into “unconditional love or devotion” for God.⁴⁴⁵ Chanting God’s name, which is also known as Kirtan, is a huge part of Bhakti Yoga.⁴⁴⁶ Kirtan artists believe that the voice connects to the heart, which when sings the praise and name of the divine, connects to the divine.⁴⁴⁷

Acquiring Self-Knowledge Through the Path of Jnana Yoga

Jnana Yoga can also be alongside the traditional yogic path. Some consider it to be the most difficult path requiring a strong will.⁴⁴⁸ It involves a process whereby the “jnani,” dismisses all thoughts that do not lead to the soul.⁴⁴⁹ This is done through a meditation called, “neti-neti,” which means, “not this, not this.”⁴⁵⁰ Essentially, whenever a thought or feeling arises within the practitioner’s mind that is not the soul or does not lead to the soul, the practitioner says, “not this,” and waits for another thought to arise.⁴⁵¹ The practitioner does this patiently until he or she reaches the soul.⁴⁵²

⁴⁴² *Id.* (citing verse 6.16).

⁴⁴³ International Sivananda Yoga Vedanta Centres, *Bhakti Yoga*, <http://www.sivananda.org/teachings/bhakti/bhakti.html>.

⁴⁴⁴ Kirtan with Govindas, <http://kirtanwithgovindas.com/home.htm>.

⁴⁴⁵ International Sivananda Yoga Vedanta Centres, *Bhakti Yoga*, *supra* note 443.

⁴⁴⁶ *Id.*

⁴⁴⁷ See Kirtan with Govindas, *supra* note 444.

⁴⁴⁸ International Sivananda Yoga Vedanta Centres, *Jnana Yoga*, <http://www.sivananda.org/teachings/jnana/jnana.html>.

⁴⁴⁹ A World of Yoga, *Jnana Yoga*, <http://www.yogaworld.org/jnana.htm>.

⁴⁵⁰ *Id.*, <http://www.yogaworld.org/jnana2.htm>.

⁴⁵¹ *Id.*

⁴⁵² *Id.*

[Vol. 7: 2, 2007]

PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL

There are many other yogas⁴⁵³ and paths⁴⁵⁴ that lead to the source in addition to the ones mentioned. This illustrates the unique belief in Hinduism that different people are in different places of their spiritual development. Thus, Hinduism recognizes that there are different paths available to each person so that he or she can pick the one that fits best. Whatever path is the chosen, the end goal is the same: to reach the source, Krishna, Jesus, Allah, God, the Spirit, the soul, our higher self—whatever one wants to call it.

In sum, the Bhagavad Gita and the *Mahabharata* teach that not only is there a great war in the outside world, but there is a great war within each one of us as well. In order to create a cosmic order, one has to resolve the internal dispute first. One can do so by practicing the twofold path of selfless duty and transcendental knowledge. When both of these are cultivated, not only does one know what their dharma is, he or she is diligently and selflessly doing it as well. With this combination, not only is there inner peace, but there is a contribution to outer world order and peace as well.

To speak of it in symbolic terms, we are all chariots. If we allow Krishna (divine intelligence) to take control of the reins (mind), He can guide the horses (the senses), and put us on the right path (dharma). In doing so, Arjuna (the doer, will power) can know his dharma and do it selflessly, with the right motives and attitude, and to the best of his ability. With the combination of Arjuna and Krishna, one can win the battle against Duryodhana (the ego) and all of its desires (his brothers). With this battle won, there will be inner peace. And, if enough people win this inner war, there will be outer peace as well.

PART VI: CONCLUDING REMARKS

This paper has sought to give a Hindu perspective on dispute resolution. An analysis of the Bhagavad Gita and the *Mahabharata* shows that there are two levels of dispute resolution: First, the internal dispute between soul and ego, and second, the external dispute between human beings. The internal dispute between soul and ego can be resolved through the teachings of the

⁴⁵³ See generally A World of Yoga, <http://www.yogaworld.org>.

⁴⁵⁴ For example, Krishna suggests that one can obtain transcendental knowledge from a “self-realized” master. Gita Introduction, *supra* note 328 (citing verse 4.34). Additionally, one can also worship gods and deities, study the scriptures, give charity, or even fast. *Id.* Still if one is not able to do any of these, Krishna asks for one to either do work in His name, or just surrender to his will. *Id.* (citing verses 12.09-10 and 9.26-28) (“[W]hatever you do [or] eat . . . , whatever charity you give, whatever austerity you perform, do all that as an offering unto Me.”).

Bhagavad Gita, namely, following the twofold path of selfless duty and transcendental knowledge. One acquires transcendental knowledge in many ways such as by practicing yoga, meditation, and eating correctly. While one is acquiring transcendental knowledge, he or she should do his duty selflessly to the best of his or her ability without thinking of the fruits of his or her labor. With this twofold process, eventually inner peace and dharma will be realized. The ideal hope is that everybody will win this battle of soul over ego, which would lead to everybody realizing his or her dharma and contributing to cosmic world order.

Realistically speaking, hoping that everybody will realize his or her dharma is basically a dream, especially because we are living in the kali yuga, when the bull of dharma only has one foot. In such a world, there will continue to be disputes.

From the *Mahabharata*, we have a Hindu perspective on how to approach such disputes. First, one should not sacrifice one's needs because doing so is worse than death. Second, one should try to acquire one's needs peacefully to the best of one's ability no matter how improbable it seems that it will be likelihood. There are different mechanisms for creating peace such as reminding one of the benefits of doing one's dharma and the dangers of doing adharma, giving concessions and speaking with kind words. Third, if seeking to get one's needs met peacefully has failed, one should seek to get one's needs met by war (litigation). In doing so, one should try to the best of one's ability and not be weak hearted.

This then is the Hindu perspective on dispute resolution. Even though it seems unlikely that everybody will find inner peace and dharma, it is still important to try and teach the Bhagavad Gita. As Krishna preached, one should do one's dharma to the best of one's ability without paying attention to its fruits. If providence wishes for it to be successful then it will, but if there is no human exertion there is no possibility for success at all. This paper then has been my dharma. And to me, it will be more than a success if even one person has the slightest inkling to try to fight the great war within. And to that person, I wish the best of luck.